

**SUPREME COURT OF INDIA**

Saraswathiamma

Vs.

Assistant Commissioner and Land Acquisition Officer

S.L.P. (C) No. 3949-3950 of 2004

(S. N. Variava and H. K. Sema JJ.)

06.09.2004

**ORDER**

Delay condoned.

1. Leave granted.

2. Heard parties.

3. These Appeals are against the orders dated 8th August, 2002 and 19th September, 2003 passed by the Karnataka High Court. Briefly stated the facts are as follows:

4. The Award was passed @ 60, 000/- per acre in respect of 23 Cents and Rs.50, 000/- per acre in respect of the rest of the lands. The Reference Court then enhanced the compensation to Rs.61, 371.20 per acre. The District Judge then increased compensation to Rs.90, 030.64 per acre. The decree of the District Judge was dated 30th July, 1994.

5. Pursuant to the decree the Appellant herein has received all the amounts. State filed an appeal after a delay of 244 days (in filing) and another 2443 (in refiling). In the Interlocutory Application for condonation of delay notice was issued. Before the Appellant herein could approach the Court to contest the Interlocutory Applications, the delay has been condoned and the Appeal has been disposed of by the impugned Judgment. In our view, under these circumstances, the impugned Judgment requires to be and is accordingly set aside. # The matter is remitted back to the High Court. The High Court shall consider the delay application and dispose it off after hearing all the parties. If High Court condones delay then the Appeal to be disposed off on merits.

6. The Appeals stand disposed of accordingly.