

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2019
(Arising out of SLP (C) No. 16881 of 2017)

BABU S/O RAMA GOUDA & ORS.

Appellant(s)

VERSUS

SMT. SUKRI W/O NARAYAN GOUDA & ORS.

Respondent(s)

O R D E R

Leave granted.

The present appeal assails the order of the High Court directing the appellants to deposit a sum of Rs.40,28,794/- (Rupees forty Lakh twenty eight thousand seven hundred and ninety four).

The controversy arises in the back ground of a land acquisition proceeding initiated against two brothers viz. Rama Venkappa Gouda and Narayan Venkappa Gouda. The parties in the present appeal are the Legal Heirs of the two. The compensation awarded was questioned by both the brothers under Section 18 of the Land Acquisition Act (in short 'the Act'). They expired during the reference. Suffice to

observe that thereafter there arose some issues with regard to substitution/non substitution of the respective Legal Heirs leading to a decree under Section 18 of the Act, in favour of the legal heirs of Rama Venkappa Gouda. Subsequently, the decree was amended on 20.3.2008 to include legal heirs of Narayan Venkappa Gouda.

We do not consider it necessary to discuss in detail the subsequent institution of Execution Petition No. 116 of 2013 and later the Execution Petition No.29 of 2016 by the appellants leading to the disbursement of the aforesaid amount to them. This disbursement was questioned by the respondents as including their share also alleged to have been wrongly withdrawn by the appellants.

This Court on 07.07.2017 had stayed the operation of the High Court directing deposit of Rs.40,28,794/- . Subsequently, on 15.01.2018 the Special Land Acquisition Officer, Sea Bird Naval Base, Karwar was added as respondent no.4. He was required to state the stage of disbursement/payment of compensation to the legal heirs of Narayan Venkappa Gouda.

The counter affidavit filed on behalf of the State of Karnataka is considered proper to be extracted as contained in paragraph 10:

"The Hon'ble Civil Judge, Karwar in LAC No. 286/1994 dated 27.07.2006 as per the Decree, there was no name of Shri Narayan Venkappa Gouda and his legal heirs. On 20.03.2008 the legal heirs of the Narayan Venkappa Gouda were amended and a decree was passed on and legal heirs of Sukri Narayan Gouda were amended the decree on 20.03.2008 after the High Court Judgment. The case was already pending before the Supreme Court of India. As per the order of the Hon'ble Civil Judge, Karwar, for the half share of Shri Narayan Venkappa Gouda's legal heirs, the account statement of Rs.86,71,900/- was sent to the Defence Estate, Bangalore on 30.01.2018. In the said amount after deduction of the 10% of Income Tax, Rs,78,01,058/- was deposited in the Court with cheque No. 352053, dated 09.02.2018 in the name of Narayan Venkappa Gouda and his legal heirs."

It is therefore apparent that the payment lifted by the appellant was his share. The share of the respondent is lying deposited and the legal heirs of Narayan Venkappa Gouda are at liberty to withdraw the same in accordance with law .

The interim order dated 07.07.2017 passed by this Court is made absolute.

The Appeal is allowed to the aforesaid extent.

.....J.
(NAVIN SINHA)

.....J.
(KRISHNA MURARI)

NEW DELHI
DECEMBER 02, 2019

ITEM NO.53

COURT NO.13

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 16881/2017

(Arising out of impugned final judgment and order dated 06-06-2017 in Contempt of Court Case No. 100093/2017 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

BABU S/O RAMA GOUDA & ORS.

Petitioner(s)

VERSUS

SMT. SUKRI W/O NARAYAN GOUDA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.49923/2017-EXEMPTION FROM FILING O.T. and IA No.133966/2017-EXEMPTION FROM FILING O.T.)

Date : 02-12-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahman, Adv.
Mr. Aditya Bhat, Adv.
Mr. Shreenidhi Rao, Adv.
Mr. Ali Asghar Rahim, Adv.
Mr. Gautam Talukdar, AOR

For Respondent(s) Mr. S. N. Bhat, AOR

Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed to the extent indicated in the signed order.

Pending applications, if any, are disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed Order is placed on the file)