

(2013) 02 KAR CK 0059

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 21318 of 2012 (LAC)

Balappa (Since Deceased) by his L.Rs.

APPELLANT

Vs

The Assistant Commissioner and Land Acquisition Officer and
Another

RESPONDENT

Date of Decision : 28-02-2013

Acts Referred:

Karnataka Civil Courts Act, 1964 — Section 19

Citation : (2013) 3 KarLJ 342 : (2013) 4 KCCR 3333

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : B. Sharanabasawa, for the Appellant; Megha C. Kolekar, High Court Government Pleader, for the Respondent

Final Decision : Allowed

Judgement

A.N. Venugopala Gowda, J.—M.A. No. 24 of 2001 filed in the District Court at Koppal was returned on the ground of want of pecuniary jurisdiction and for presentation before this Court. The said order was passed on 17-4-2006. However, the returned appeal memorandum was obtained only on 17-3-2012 and was presented in this Court on 19-3-2012, by paying further Court fee of Rs. 15/- and with defects. Heard the learned Counsel on both sides. Accepting the cause shown, delay in filing this appeal is condoned, denying interest for the delay period on the enhanced award amount, if any, to the appellants, as and when the appeal is decided. I.A. No. 1 of 2013 is allowed accordingly.

2. In view of Section 19 of the Karnataka Civil Courts Act, 1964, as amended by Act No. 26 of 2007 the appeal upto the value of Rs. 10,00,000/- could be filed in the District Court. Though the appeal was ordered to be returned, the return having been obtained only on 17-3-2012 and presented on 19-3-2012, in view of the said amendment, this appeal is required to be returned to the L.Rs of the deceased appellant for representation before the District Court at Koppal.

3. However, the L.Rs of the appellant have delayed the obtaining of the return of appeal memorandum and presentation of the appeal in this Court. That apart, they have paid the deficit Court fee of Rs. 4,862/-, only on 22-2-2013, the appellants are denied the interest on the enhanced compensation amount, if any, for the period commencing from 28-8-2007 till the deficit Court fee of Rs. 4,862/- was remitted on 22-2-2013.

Registry is directed to return the appeal memorandum to the learned Advocate for the L.Rs of the appellant before 16-3-2013. The appeal be represented before the District Court within one week from the date of obtaining of return. The District Court to decide the appeal expeditiously and deny the interest, as above, in case any enhancement of compensation is awarded by it to the claimants.

Ordered accordingly.