
(1992) 04 DEL CK 0058

In the Delhi High Court

Case No : Regular First Appeal No. 42 of 1974

Baljit Singh and Others

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 09-04-1992

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (1992) 47 DLT 212

Hon'ble Judges : Usha Mehra, J;S.B. Wad, J

Bench : Division Bench

Advocate : Mukul Rohatagi, B.P. Gupta, N.S. Vashisth, R.P. Jain and B.S. Mathur, for the Appellant;

Judgement

S.B. Wad, J.

(1) These appeals arise out of the acquisition of land belonging to claimants in village Malikpur Kohi/Rangpuri. The notification u/s 4 of the Land Acquisition Act was issued on 23.1.1965.

(2) RFA. 386/71 is filed against the judgment of Shri Jagdish Chandra ADJ, in Lac No. 415/67 pronounced on 29.3.1971 relating to Award No. 1958. Shri Jagdish Chandra, Adj, (as he then was) had relied upon his own Judgment in LAC. 434/67 Bhaktawar Singh & Another v. Union of India dated 23.3.1971. In Bhaktawar Singh's case the learned Adj, relying on the sale instance of Khasra No. 1587/1, where one "bigha of land was sold for Rs. 5,000.00, held that market value for block I lands was Rs. 7,000.00 per bigha and for block 2 lands Rs. 5,000.00 per bigha. Appellants' land was classified by the learned Adj as Block 2 land and was awarded compensation @ Rs. 5,000.00 per bigha. The Land Acquisition Collector had awarded only Rs. 600.00 per bigha for block 2 lands. The appellants/claimants had claimed in the appeal that they should have been paid compensation @ Rs. 7,000.00 per bigha. The Union of India has filed an appeal against the Judgment of Jagdish Chandra. Adj, viz. RFA. 452 of 1971. In the said appeal the claimants have filed the cross-objections. After the decision

of this Court in RFA. 122/78, Hoshiar Singh v. Union of India, the claimants have claimed Rs. 14,340.00 per bigha as compensation for all categories of land.

(3) There are cross-appeals filed by the Union of India, viz. RFA. 319/71 and RFA. 386/71, urging that the learned Adj was wrong in relying on his own decision in LAC. 415/67, i.e. Bhaktawar Singh vs. Union of India. It is specifically urged that reliance on the sale instance in regard to Khasra No.1587/1 (Ex.C/I) was wrong. It was also urged that the compensation @ Rs. 5,000.00 per bigha awarded to Nav Ratan and Ors. was without proper evidence on record.

(4) RFA. 42/74 is filed against the Judgment of Shri O.N. Vohra, District Judge (as he then was) in Lac No. 455/67 in regard to Award No.1958. The learned Adj had relied on his own Judgment in Lac No. 458/67, Kanwar Singh & Ors. v. Union of India and dismissed the reference holding that the claimants were not entitled to any enhancement of compensation. The LAC had awarded Rs.800.00 per bigha for block 1; Rs. 600.00 per bigha for block 2; and Rs. 400.00 per bigha for block 3 lands. The sale instance in regard to Khasra No. 1587/1 (where one bigha of land was sold for Rs. 5,000.00) was cited before the learned Adj as Ex. A/5. It was also brought to the notice of the learned Adj that his predecessor Shri Jagdish Chandra had relied on the said sale instance in Lac No. 434/67, which was the Judgment cited before Shri O.N. Vohra, District Judge, as Ex. A/3. On evidence recorded by the learned District Judge he had come to the conclusion that the sale deed in relation to Khasra No. 1587/1 was sham and bogus.

(5) RFA. 47/74 arising out of LAC. 419/67 and from Award No. 1598 is also directed against the order of Shri O.N. Vohra, District Judge. The learned Judge has relied on his own decision in Kanwar Singh & Ors. v. Union of India in LAC. 458/67. The learned Adj dismissed the claim for enhancement of compensation and confirmed the compensation awarded by the Collector which was Rs. 800.00 Rs. 600.00 and Rs. 400.00 per bigha for blocks 1, 2 and 3 respectively.

(6) The next lot of appellants are RFA. 333/87 and RFA. 431/86. RFA 333/87, Risal Singh & Ors. v. Union of India arises out of the order in LAC No. 29/83 passed by Shri T.S. Oberoi, Adj on 24.11.86. The Award out of which this Lac arose was Award No. 146 of 1980-81. The Land Acquisition Collector had awarded Rs. 1,800.00 per bigha for block I land and Rs. 1,500 per bigha for block 2 lands. Relying on his own decision in LAC. 316/82 Shri T.S. Oberoi, Adj, fixed the market value of land for block I at Rs.7,000.00 per bigha and made the Award accordingly. The learned Adj relied upon the decision of Shri Jagdish Chandra, Adj, in Lac 434/67 Bhaktawar Singh & Ors. v. Union of India for coming to the said conclusion. The decision of another Adj, Shri S.R. Goyal in LAC. 186,189/81 dated 28.7.86 was cited before Shri T.S. Oberoi, Adj, but he rejected the same on the ground that it related to a different village, viz. Masudpur and was covered by a different Award .

(7) After the hearing of these appeals and before the Judgment was

pronounced ,another D.B. consisting of Sunanda Bhandare, J. and C.M. Nayyar,J. pronounced a Judgment on 17.7.1991 in Hoshiyal Singh v. U.O.I. (RFA.122/78). The land acquired in the said Rfa was from Village Mahipalpurpur. As there was no evidence in relation to the market value from Village Mahipal the D.B. was persuaded to accept the evidence in regard to village Masudpur, which is an adjoining village. Relying on the decision of Shri S.R. Goyal, ADJ.,in LAC. 186/81 dated 28.7.86 and the decision of Shri Padam Singh, ADJ., in LAC. 15/81 decided on 12.4.90 (in which the decision of Shri S.R. Goyal, Adj, followed) the D.B. accepted Rs. 14,340.00 per bigha as the market value. An application has been moved by some of the claimants in the present batch of appeals, claiming enhanced compensation @ Rs. 14,340.00 per bigha, on the ground that Village Rangpuri, Mahipalpur and Masudpur are adjoining villages and the land from the said villages were acquired by the same notification dated 23.1.1965.

(8) A Notification u/s 4 of the Land Acquisition Act, 1894in regard to Village Malikpur Kohi/Rangpuri was issued on 23.1.1965. In LAC434/67 and 458/67 the Land Acquisition Collector had fixed the market value at Rs. 800.00, Rs. 600.00 and Rs.400.00 per bigha for blocks 1, 2 and 3 respectively. In LAC. 434/67 Shri Jagdish Chandra, Adj, raised the compensation to Rs. 7,000.00 per bigha for the lands in Block 1.

(9) In LAC. 458/67 Shri O.N. Vohra, Adj, did not permit any increase in the compensation and confirmed the compensation at Rs. 800.00, Rs. 600.00 -and Rs. 400.00 per bigha, as awarded by the Land Acquisition Collector.

(10) In LAC. 29/83 Shri T.S. Oberoi, Adj, raised the compensation to Rs 7,000.00 per bigha for block I lands as against the Award of the Land Acquisition Collector for Rs. 1800.00 per bigha for block I land, and Rs. 1500.00per bigha for block 2 lands. As stated earlier, Shri T.S. Oberoi, Adj, had relied upon the decision of Shri Jagdish Chandra, Adj, in LAC. 434/67. In the light of these decisions of the ADJ"s, it is to be decided as to what was the market value of the lands in the said village and the date of Section 4 Notification, viz. 23.1.1965.

(11) As regards RFA. 333/87 and RFA. 431/86, Shri T.S. Oberoi, Adj, relied upon the judgment of Shri Jagdish Chandra, Adj, in LAC. 434/67,and had "awarded Rs. 7,000.00 per bigha as the compensation. The Union of India had filed an appeal against the Judgment of Shri Jagdish Chandra and in that the amount of compensation had been reduced to Rs. 3,000.00 per bigha. However, against the decision of Shri T.S. Oberoi, Adj, no appeal or cross objection has been filed by Union of India. We are, Therefore, constrained to retain the compensation at Rs. 7,000.00 per bigha as awarded by Shri T.S.Oberoi. The appeal of the claimants viz. RFA. 333/87 and RFA. 431/86 stand dismissed .

(12) We may emphasise that the best evidence in regard to compensation is the sale instances proved by the vendor and vendee. The sale instances should be from the same village. Where there are no sale instances from the village in question, sale instances from the adjoining villages can be considered. If the

lands in adjoining villages are also acquired by the same notification, the more relevant than the sale instances in the adjoining villages which are not acquired simultaneously. If the High court or the Supreme Court has decided the market value of the land in the same area, the same will have great weight, the reason being that the superior Courts have applied their minds in regard to the potentiality of the land for the purposes of compensation. It is well known that in Delhi large scale acquisitions covering number of villages simultaneously is done for the planned development of Delhi, as in the present case. This High Court has, Therefore, taken the village as a Unit for the purposes of compensation. The old practice of categorizing the lands into separate blocks has also been given up by this Court in such cases. This approach has been confirmed by the Supreme Court by upholding the decisions of this Court in land acquisition matters.

(13) The Judgment of Shri Jagdish Chandra, Adj, is the first judgment in point of time. He has relied upon the sale instance of Khasra No. 1587/1, where one bigha of land was sold for Rs. 5,000.00. The learned Adj took this as the base value for computing the market value of the land. The observation of the Land Acquisition Collector is that the land in the village is governed by the Delhi Land Reforms Act, 1954. The lands were being more considered as the land for agricultural purposes as the object of the Delhi Land Reforms Act, 1954, was to make the tillers of land as the owners of the land. The land which was the agricultural land could not be used for any purpose other than agriculture, such as residential or industrial purpose, without the prior sanction of the authorities. The learned Adj accepted the contention of the claimants that the potentiality of the land was substantially increased for residential and industrial purposes because of the Delhi Development Act, 1957 and the Master Plan for Delhi, 1962. The learned Adj further held that in the scheme of urban villages (as proposed by the Master Plan) not only residential houses for slum dwellers were to be constructed in these villages, including village Malikpur Kohi, but land therein was also required for various industries. In view of this Scheme the restrictive provision of Land Reforms Act, 1954, appear to have been clearly taken away and, thus, the land in Village Malikpur Kohi assumed much potential as building and industrial sites, where all the modern amenities provided in the cities were also to be installed. The learned Adj did not agree with the Collector in regard to. sale instance of Khasra No. 1587/1. The Collector had held that the transaction was suspicious and appeared to have been made for consideration other than the normal business consideration. The ADJ rejected this observation and held that the said sale instance which was before him as EX. A/2 correctly represented not only agricultural value but also the building potential as residential and industrial site. The learned Adj discarded the other sale instances as not being relevant.

(14) Shri O.N. Vohra, Adj, has rendered his decision in LAC. 458/67 subsequent to the decision of Shri Jagdish Chandra, Adj, in LAC. 434/67. The claimants have relied upon the decision of Shri Jagdish Chandra, ADJ. The Union of India has opposed reliance on the said decision. The Union of India urged that the reliance on the work studies made prior to the finalisation of the Master Plan, as was

done by Shri Jagdish Chandra, Adj, did not correctly represent the potential value of the lands in question. As a matter of fact, Village Malikpur Kohi/Rangpuri was not included in one of the proposed urbanized villages in the Master Plan. Secondly, as a fact, the observations that the land had clay and other mineral deposits in the said work study did not apply to Village Malikpur Kohi, but areas near Mahipalpur and Masudpur villages. Shri O.N. Vohra, Adj, accepted these "submissions of the Union of India. The learned Adj, further agreed with the Land Acquisition Collector that the land in question has to be treated only as an agricultural land and since it was governed by the Delhi Land Reforms Act, use of the land for non-agricultural purposes, such as industry or residential houses could be done only with the specific sanction of the authorities.

(15) As regards the sale instances, Shri O.N. Vohra, Adj, considered the following sale instances from the same village :

SI. No. Exts. No. Description of document I -2-3-1. A-1 Deed of Sale2. A-2 -do-3. A-5 -do-4. A-2 -do-5. R-I Copy of Mutation6. , R-12 Deed of Sale Date of Notification/ " Field No. Area Rate per bigha sale/reg. and situation Rs.45 -6-14.3.61 14 (2 bigha"s) Malikpur 2500.00Kohi7.7.62 72 min. (6 bis) Malikpur 4000.00Kohi28.3.64 1587/1 (I big.) Malikpur 5000.00Kohi2610.64 1677 (4 bigha"s) Malikpur 344.00Kohi.9.4.63 769,770 etc. (91 bighas 300.00and 1 biswas) Malikpur Kohi19.8.64 1637,1650,1651,1652, 500.001653/1 & 1653/2 (24bighas) Malikpur Kohi.

(16) The Land Acquisition Collector has taken the average of the rates per bigha in the sale instances and had held that the market value was Rs. 800.00, Rs. 600.00 and Rs. 400.00 per bigha for blocks 1, 2 and 3 respectively. It may be seen that Ex. A/I related only to bighas and is four years prior to Section 4 Notification in the present case. So also Ex. A-2 is only for 6biswas and is three years prior to the date of Section 4 notification in the present case. Sale instance at Serial No. 4 of the above chart (4 bighas) and at 6(24 bighas) are of the date 26.10.64 and 19.8.64 respectively. The rate at which the land was sold is Rs. 344.00 and Rs. 500.00 per bigha respectively. They come nearer in point of time to the date of notification u/s 4 in the present case, viz. 23.1.65. But the claimants had relied upon the sale instance at Serial No .3 dated 28.3.64 in regard to Khasra No. 1587/1 (I bigha) where the rate was Rs. 5,000.00 per bigha. This sale instance was relied upon by Shri JagdishChandra, ADJ. When the matter came before Shri O.N. Vohra, Adj, the Union of India made an application to lead the evidence to show that the sale instance in regard to Khasra No. 1587/1 was bogus and sham. The learned ADJ, Therefore, gave opportunity to the Union of India as well as the claimants to lead the evidence to show the genuineness of the said transaction. On the appreciation of evidence the learned Adj recorded the following findings :

(18) In regard to this transaction, the following circumstances have been established on the record :

(I) The sale was by Lala who was petitioner in Lac No. 458/67 in favor of Bhoru and Chandgi who were petitioners in LAC No. 348/68. Both Bhoru and Chandgi are not residents of village Malikpur Kohi and had no agricultural land in village Malikpur Kohi. Chandgi is a resident of village Jaunti which is on the border of Delhi and is at a distance of about 20 miles from Malikpur Kohi while Bhoru is a resident of village Nizampur which adjoins village Jaunti according to the unchallenged statement of Shri Ram Chander, Naib Tehsildar (RW. 1) examined in Lac No. 417/67. (ii) Original deed of sale was not produced by Chandgi and Bhoru before the Revenue Officer during mutation proceedings as stated by Kanwar Singh and has not been produced in Court. (iii) Mutation in respect of this sale was rejected by the Revenue Officer as admitted by Kanwar Singh and stated by Shri Chandgi Ram, patwari, vide his statement dated 13.1.71, copy of which has been produced in Lac No. 418 of 1967 and in some other cases. (iv) Possession did not pass to Bhoru and Chandgi. According to the extracts from Khasra Girdawari Exts. R-4 to R-7, Lala continued to remain in cultivating possession of this land up to the time when possession of this land was taken by the Government on account of acquisition. This fact has been disputed by Bhoru and Kanwar Singh while Chandgi has not come into the witness box. According to both these witnesses Bhoru and Chandgi purchased this land for constructing tanks for washing China Clay which was being extracted from neighbouring areas. In cross-examination, Bhoru has stated that he could not manufacture China Clay as the land was acquired. Badam has told a different story by stating in cross-examination that Bhoru and Chandgi carried on the business of washing China Clay for 3 to 4 years after purchasing the land. When it is borne in mind that the Government took possession of the land 3 or 4 years after the alleged sale in favor of Bhoru and Chandgi and there is no mention in the sale deed of the fact that land was purchased by these persons "for the purpose of constructing tanks for washing China Clay and there is no material at all on the record to justify that China Clay was being extracted from the neighbouring area, it is not possible to accept the oral version of Bhoru and Kanwar Singh that there was change in possession in the face of the entries in the Khasra Girdawari when it is well-established that as regards agricultural land entries in Khasra Girdawari constitute important piece of evidence in regard to possession. (v) Compensation assessed on account of this land was received by Lala as deposed by Devi Ram Sharma (RW. 2) in Lac No. 417 of 1967. This fact has not been denied by Bhoru or Kanwar Singh. On the other hand, it is stated that the payment was received under mistake and Bhoru and Chandgi were subsequently paid compensation in respect of this land. This oral version is not supported by any receipt. It is difficult to rely upon this oral version when the circumstances are such that Lala and his son, Kanwar Singh, who happened to be Circle Sarpanch of the Ilaqua and thus an influential person are highly interested persons, as they are petitioners in two cases being Lac Nos. 458/67 and 450/67. (v1) According to what has been stated by the witnesses examined on behalf of the petitioners, the sale deed was attested by Kanwar Singh, son of the vendor himself, and the receipt alleged to have been executed in respect of payment of

Rs. 500.00 was drafted by him and was attested by him."

(18) In the light of the sale instances and the evidence before the three learned ADJs in regard to village Malikpur Kohi, it is to be examined as to which sale instance is reliable sale instance for determining the market value on the date of Section 4 Notification. It may be noted that Shri Jagdish Chandra,ADJ, had disregarded the observations of the Land Acquisition Collector that sale instance in regard to Khasra No. 1587/1 was suspicious as it was made for ulterior purpose and that is why the evidence was led by the Union of India to show that it was not a genuine sale transaction. We have quoted the findings of Shri O.N. Vohra, Adj, and we are in complete agreement with the learned Judge .We, Therefore, agree with the further finding of the learned Adj that the said transaction in regard to Khasra No. 1587/1 is not a genuine sale transaction and cannot be relied upon for fixing the market value in the present case. That leaves us to the two instances of the year 1964 at Serial Nos.4 and 6, which are nearer in point of time to the Section 4 Notification. Although sale instances at Serial Nos. 1 and 2 are for the years 1961 and 1962,i.e. prior to the present notification and although they are for very small pieces of land, they will have some relevance in fixing the market value, as is done by the Land Acquisition Collector.

(19) Having considered the sale instances we will now consider the potential value of the lands in village Malikpur Kohi. Shri Jagdish Chandra,ADJ, while relying on the work studies prior to the Master Plan of 1962 had come to the conclusion that the lands had a great industrial and residential potentialities .We had, Therefore, held that the land should not be merely treated as agricultural lands for the purposes of compensation. Shri O.N. Vohra ADJ, on evidence cited before him, had held that observations of Shri JagdishChandra, Adj, based on the work studies, are not applicable to Malikpur Kohi. He, Therefore, treated the land as a mere agricultural land. On closer examination of the approach of the two learned ADJs. it can be seen that they are not contradictory or mutually exclusive. It is true that to start with the lands in Village Malikpur Kohi at the relevant time were agricultural lands. But it is also true that with the permission of the authorities the industries could be setup in the area. So also the residential houses could be built. The development of villages around Delhi is so fast that with or without permission the industrial and the residential activities are being carried out in these villages. The population of Delhi is increasing at such a rapid pace that the movement for, industrialisation and urbanisation has become a fact of life. A judicial notice has, Therefore, to be taken of these realities. Shri Jagdish Chandra, Adj, when considering the potential value of the land for industrial and residential purposes had added only Rs. 2,000.00 towards the said potential value over and above the sale instance in regard to Khasra No. 1571/1. The observations in the work studies prior to the Master Plan, of 1962 may not be applicable as such to this village ,but the trend in the fast appreciation of landed property indicated in the said work studies cannot be ignored. At the same time the development of these villages as of today, i.e.

about 27 years after Section 4 notification should not trouble our mind as any rate of compensation on today's bias would be at an extremely low rate. These villages were gradually coming under the development areas under the Master Plan of Delhi. Village Malikpur Kohi was nearer Palam Road, leading to the Palam Airport. Considering all aspects of the matter we hold that Rs. 3,000.00 per bigha would be the proper market value of the lands in Village Malikpur Kohi/Rangpuri on 13.1.65 when the Section 4 notification was issued. The rate of Rs. 3,000.00 per bigha would be applicable to all lands as we do not approve of the division of lands in blocks 1, 2 and 3 considering their potential value.

(20) That takes us to the last question raised in various applications filed on behalf of the claimants for increase in compensation on the basis of the recent decision of the Division Bench of this Court in Rfa 122/78 Hoshier Singh etc. v. U.O.I. In that case the lands were located in Village Mahipalpur. No sale instance was available in village Mahipalpur and, Therefore, agreeing with the claimants the Division Bench has relied upon the decisions in regard to lands in village Masudpur, which the village adjoining village Mahipalpur. The claimants therein had submitted that in LAC. 186/81 decided on 28.7.86 the Adj had fixed the market value at Rs. 1,800.00 per bigha. The judgment also notes that the appeal against the said Lac filed by Union of India stands admitted in this Court. Another decision relied upon by the claimants was LAC. 15/81 decided on 12.4.90. On that basis the claimants had claimed Rs. 14,340.00 per bigha as compensation. The same was accepted by the Division Bench. After the decision of the Division Bench in RFA. 122/78 the applications were moved in various appeals by the claimants claiming the compensation @ Rs. 14,340/-per bigha.

(21) The decision of the Adj in LAC. 186/81 fixing the market value at Rs. 1800.00 per bigha was cited before Shri T.S. Oberoi, Adj, but he did not follow the same on the ground that it related to another village, viz. Masudpur and not to village Malikpur Kohi/Rangpuri. We hold that the learned ADJ was quite right in ignoring the alleged land value in village Masudpur. Similarly, although the Union of India's appeal in RFA. 507/90 was rejected by the Division Bench of this Court, the price fixed by the Lac out of which the RFA arose is not relevant for our immediate purpose as the said appeal also related to village Masudpur. The submission of the counsel for the claimants is that Masudpur is an adjoining village and lands in the said village were acquired by the same notification dated 23.1.65 by which lands in village Malikpur Kohi/Rangpuri were acquired. The submission of the Counsel has no merit. If we are to go by the theory of adjoining villages, the entire Delhi would be covered by it since by the process of one village adjoining another the entire area will be covered. Apart from this, there is a factual difference in the situation and potentiality in the lands in village Malikpur , and village Masudpur, as demonstrated by Shri O.N. Vohra, Adj referred to above. The correct position for ascertaining the market value is the sale instances in the same village. Once the sale instances in village Malikpur Kohi/Rangpuri are available, the land price in other villages, although adjoining and though covered by the same notification, would not furnish direct evidence

for determining the market value. We, Therefore, reject the submissions of the Counsel for the claimants to enhance the claimants claim for compensation@ Rs. 14340.00 per bigha.

(22) Before leaving the judgment, we are constrained to make a few observations regarding the working of the Land Acquisition Department in Delhi Administration and contest of these appeals by the Counsel for Union of India. Although an appeal filed by the Union of India against the Judgment of the Adj in LAC. 186/91 is pending in this Court, this fact was not brought to our notice by the Counsel for Union of India. This decision of the ADJ in LAC. 186/81 has been substantially relied upon by another Adj in LAC. 15/81. When the appeal against the said decision of the Adj in LAC.15/81 came before us (RFA. 567/90) the only question pressed by the Counsel for Union of India was in regard to the payment of interest after the amendment in the Land Acquisition Act in 1984. But when we found that the dismissal of the said appeal by the Division Bench was relied upon in RFA.122/78- Hoshiar Singh v. Union of India, we sent for the file. What is discovered on the file is shocking. The Union of India, had purchased stamp worth Rs. 1,19,300.00. Obviously, the intention was to file an appeal against the quantum of compensation awarded by the ADJ. However, the grounds of appeal mostly relate to the payment of interest in terms of the Amending Act of 1984. The appeal memo was drafted by Mr. Gulab Chandra, Advocate, who also appeared before us in RFA. 567/90. Since the question regarding payment of interest after the Amending Act of 1984 are now fully settled by the decisions of the Supreme Court and since that was the only question argued before us by the Counsel for the Union of India, the appeal was dismissed by us. We had not noticed at that stage that a stamp of Rs.1,19,300.00 was affixed by the Union of India. This is only discovered now. The purchase of stamp worth Rs. 1,19,300.00 would show that the claim would be over a corer of rupees. The claimants have been benefitted because Union of India did not argue the matter on compensation. Apart from the lack of interest and in efficiency in the Land Acquisition matters on behalf of the Land Acquisition Department, these facts raise grave suspicion about the credibility of the working of the said Department. We, Therefore, direct that a copy of this Judgment be sent to the Lt. Governor for appropriate action.

(23) For the reasons stated above the appeals of the claimants and the appeals of the Union of India are partly allowed to the extent stated above. The claimant would be entitled to solarium and interest according to the law prevalent at relevant time. There shall be proportionate costs.