

IN THE HIGH COURT OF THE STATE OF TRAVANCORE-COCHIN AT ERNAKULAM.

Present:-

*The Hon'ble Shri K.T. Koshi, Chief Justice
and
The Hon'ble Shri N. Varadaraja Iyengar, Judge.

A.S. No. 49 of 1954.

In the Court of the District Judge, Trichur, L.A. Case 30/1124.

Appellant:- Petitioner in the court below.

Varied, son of Kaliankara Varied, Chiyvaram Village, Chiyvaram
Desom, Trichur Taluk.

By Advocates Shri T.S. Venkiteswara Iyer and
Shri C.S. Ananthakrishna Iyer.

Respondent:-

The Chief Secretary to the Government of Travancore-Cochin,
Trivandrum.

By Government Pleader Shri C.M. Kuruvila.

This Appeal Suit having been finally heard on 8-12-1955, this
court on the same day delivered the following:-

JUDGMENT.

Of the three heads under which enhancement is claimed we are inclined to think that the value awarded for the bigger building is not adequate. It was a new construction and according to the appellant it was fetching a rent of Rs. 10/- per month. Evidence let in by the State shows that the value was fixed by estimating the cost of building materials at 150% above the schedule rates. It is common knowledge that in 1123 the usual rate was 200 to 300% above the scheduled rates. We accordingly hold that the value of that ~~land~~ building should be fixed on the basis that on the date of the relevant notification the value of building materials was at least 200% above the scheduled rates. On that footing the appellant is entitled to get Rs. 130-10-8 more for the bigger building and we award that amount also to him together with the usual solatium of 15% thereon and interest on the aggregate of the two at 6% per annum from the date of dispossession.

The claim for enhancement in respect of other items, namely, the smaller building, the wells and trees is unsustainable.

68

The appellant will pay the State one-half of their costs and in this court and bear his own. The State has preferred a memo of objections regarding the disallowed portion of their costs. We see no reason to interfere in that respect and dismiss the memo, but without costs.

Order accordingly.

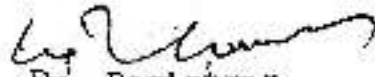
Sd/- K.T. Koshi, C.J.,

Sd/- N. Varadaraja Iyengar, J.

8-12-1955.

(True Copy).

Compared by
18/12/55 - Pilla


Dy. Registrar,
for Registrar.

AR/7-2-56.

A.S. No. 49 of 1954.

Copy of Judgment.

A. 4428/55. State 26/6/56.
4380/55
P. 4428/55 Ad. S. T. S. Venkiteswara Iyer
30-6-56