

Decree of Appellate Court  
(O-41, R 35 CPC) H.C No. 32A

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

BEFORE

The Hon'ble Mr. Justice A.N.VENUGOPALA GOWDA

Misc Second Appeal No. : 26 / 2007

Appellant/s :

SUNANDAMMA  
SINCE DECEASED BY LRS

[A] M.V. PADMANABHA SHETTY  
AGED 81 YEARS (STEP SON OF APPELLANT)  
R/AT HOLALKERE ROAD  
CHITRADURGA DISTRICT 577501.

[B] M.V. MANJUNATHA,  
AGED ABOUT 54 YEARS  
SON OF APPELLANT  
R/AT HOLALKERE ROAD  
CHITRADURGA DISTRICT 577501.

Respondent/s :

SPECIAL LAND ACQUISITION OFFICER  
KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
BANGALORE-01.

This Miscellaneous Second Appeal preferred

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against the Judgment and Award of the Court of the  
Prl. District Judge, Chitradurga in M.A No.7 of 2001  
on its file dated 5th day of March 2003 and partly  
allowing and setting aside those of the Court of the  
Civil Judge [Sr.Dn.] Chitradurga in LAC No.159 of  
1990 on its file dated 20th day of March 2001 coming on  
for having been reserved, the Court delivered on  
14th day of October 2008 in the presence of  
Sri.S.P.Shankar Sr. Counsel for Mrs.Mamata  
G.Kulkarni, Advocates for the Appellants and  
Sri.P.V.Chandrashekar, Advocate for the  
Respondent.

And for the reasons stated in the Judgment, while  
dismissing this Miscellaneous Second Appeal it is  
ordered and decreed that, to the extent of awarding  
interest beyond 27.7.85 under Section 23[1-A] of  
the Act, be and is hereby set aside so that the award  
passed by the Courts below will be in conformity with  
the statutory provision.

And further, it is ordered and decreed that this  
Miscellaneous Second Appeal be and is hereby  
dismissed, subject to the modification that, the


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- 3 -

interest @12% p.a. applicable in terms of Section 23[1-A] of the Act, is payable by the respondent to the appellant only upto 27.7.85.

And it is further ordered and decreed that no order is made as to costs in this appeal.

Given under my hand and seal of this Court,  
this the 14TH Day of OCTOBER 2008

  
Assistant Registrar.

Ty. by : V.V  
R. by :   
C. by : 

Date : 30-3-09

