

ITEM NO.1+4

COURT NO.8

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).34863-34865/2009

(From the judgement and order dated 14/10/2009 in FA No.
91/2005 & FA No. 1346/2004 & FA No. 1822/2004 of The HIGH COURT
OF GUJARAT AT AHMEDABAD)

INDIAN AIRLINES CORP.

Petitioner(s)

VERSUS

AIRPORT AUTHORITY OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH
SLP(C) NO. 1304 of 2010
[INDIAN AIRLINES CORP. V. MANORAMABEN NARENDRABHAI PATEL & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1306 of 2010
[INDIAN AIRLINES CORPORATION V. HEIRS OF ABHA AGRAWAL & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1310 of 2010
[INDIAN AIRLINES CORP. V. RAJ KUMAR SHARMA & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1365 of 2010
[INDIAN AIRLINES CORPN. V. MRUNAL ANIL UPADHYAY & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1367 of 2010
[INDIAN AIRLINES CORP. V. USHABEN SHARADCHANDRA PATEL & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1375 of 2010
[INDIAN AIRLINES CORP. V. NIRJA HIMANSHU VAIDYA & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1630 of 2010
[INDIAN AIRLINES CORP. V. K. VARDRAJAN & ORS.]
(With prayer for interim relief and office report)

SLP(C) 34863-34865/2009

SLP(C) NO. 1632-1634 of 2010
[NAVINITLAL PURUSHOTTAMDAS BAROT & ANR. V. INDIAN AIRLINES LTD. &
ANR.]
(With office report)

SLP(C) NO. 1636 of 2010
[INDIAN AIRLINES CORP. V. NISHA NIKUNJ DHEBAR & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1661 of 2010
[INDIAN AIRLINES CORP. V. JAGDISH CHANDULAL SONI & 5 ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1666 of 2010
[INDIAN AIRLINES CORPN. V. MANUBHAI R. PATEL & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1667 of 2010
[INDIAN AIRLINES CORP. NOW NATIONAL AVN. CO. LTD. V. MANJARI
HIMANSHU PUJARA & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1669 of 2010
[INDIA AIRLINES CORP. V. BINDU KIRTIBHAI KOTHARI & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1698 of 2010
[INDIAN AIRLINES CORP. V. DEEPAKBHAI PRATAPRAY GANDHI & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1717 of 2010
[INDIAN AIRLINES CORP. V. MITRA MUKUND BOBDE & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1719 of 2010
[INDIAN AIRLINES CORPN. V. ASHOK D. AGRAWAL & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1729 of 2010
[INDIAN AIRLINES CORPN. V. NAVNITLAL PURUSHOTTAMDAS BAROT &
ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1769 of 2010
[INDIAN AIRLINES CORP. V. RATAN VIRENDRA TRAKRRO & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1927 of 2010
[INDIAN AIRLINES CORP. V. KOKILABEN SUAMUBHAI LAVSI & 11 ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1928 of 2010
SLP(C) 34863-34865/2009

[INDIAN AIRLINES CORP. V. JYOTSNABEN RANJITBHAI PATEL & 12 ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1946 of 2010
[INDIAN AIRLINES CORP. V. SUBODHCHANDRAA D. GANDHI & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1947 of 2010
[INDIAN AIRLIENS CORP. V. MANUBHAI RANCHHODBHAI PATEL & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1949 of 2010
[INDIAN AIRLINES CORP. V. CHANDRIKABEN ANILBHAI PAREKH & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1952 of 2010
[INDIAN AIRLINES CORP. V. SHASHI BALI & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1959 of 2010
[INDIAN AIRLINES CORP. V. ANIRUDDH KUNVARJI RAO & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 1960 of 2010

[INDIAN AIRLINES CORP. V. CHANDRA SUBRAMANIAM NEDUVILEMADAM & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 1961 of 2010

[INDIAN AIRLINES V. FATIMA MOHMEDUSSEIN MUNSHI & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 1962 of 2010

[INDIAN AIRLINES CORP. V. ANIRUDDH KUNVARJI RAO & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 1965 of 2010

[INDIAN AIRLINES CORP. V. PUSHPABEN GHANSHYAMBHAI PATEL & ORS.]

(With office report)

SLP(C) NO. 1980 of 2010

[INDIAN AIRLINES CORP. V. NIRUPA MANOJ BHOGILAL & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 1983 of 2010

[INDIAN AIRLINES CORP. V. DAHIBEN RAMESHBHAI PANCHAL & 9 ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 1985 of 2010

[INDIAN AIRLINES CORP. V. BHARTIBEN RANDHIKUMAR MEHTA & ORS.]

SLP(C) 34863-34865/2009

4

(With appln. for exemption from filing c/c of the judgment, prayer for interim relief and office report)

impugned

SLP(C) NO. 2047 of 2010

[INDIAN AIRLINES CORP. DHIRAJLAL BHOGILAL GANDHI & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 2058 of 2010

[INDIAN AIRLINES V. ANIRUDDH KUNVARJI RAO & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 2059 of 2010

[INDIANA AIRLINES CORP. V. PEARL M. CHRISTIE & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 2111 of 2010

[INDIAN AIRLINES CORP. V. MANUBHAI RANCHHODHBHAI & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 2213 of 2010

[INDIAN AIRLINES V. RITA SUNILBHAI SHAH & ORS.]

(With prayer for interim relief and office report)

SLP(C) NO. 3616 of 2010

[INDIAN AIRLINES CORPN. V. VIDYAGAURI RAMSHANKAR JANI & ORS.]

(With office report)

SLP(C) No.... CC 5373-5375/2010

[USHABEN SHIRISHBHAI SHAH & ORS. V. AIRPORT AUTHORITY OF INDIA & ORS.]

(With appln. for c/delay in filing SLP and office report)

SLP(C) No... CC 5419-5421/2010

[RITA SUNILBHAI SHAH & ANR. V. NATIONAL AVIATION CO. (I) LTD. & ORS. ETC.]

(With appln. for c/delay in filing SLP and office report)

Date: 20/04/2010

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s)

IN SLP 1632-34

Mr. Mahendra Anand, Sr. Adv.
Mr. Nikhil Goel, Adv.

SLP(C) 34863-34865/2009

5

Mr. Naveen Goel, Adv.
Mr. Marsook Bafaki, Adv.
Ms. Sheela Goel, Adv.

In SLP CC 5373-75 &
5419-21

Mr. P.H. Parekh, Sr. Adv.
Mr. Ajay Kumar Jha, Adv.
Mr. Rajat Nair, Adv.
Ms. Pallavi Srivastava, Adv.
Mr. Vishal Prasad, Adv.
For M/s PH Parekh & Co., Adv.

IN ALL OTHER SLPS

Mr. H.D. Nanavati, Adv.
Mr. Shiv Kumar Suri, Adv.
Mr. Jatinder Sethi, Adv.
Mr. Hasan Murtaza, Adv.

For Respondent(s)

in SLP 34863-65, 1304, 1367, 1375
1667, 1669, 1698, 1927, 1980,
1983, 2111 & 2213

Mr. P.H. Parekh, Sr. Adv.
Mr. Ajay Kumar Jha, Adv.
Mr. Rajat Nair, Adv.
Ms. Pallavi Srivastava, Adv.
Mr. Vishal Prasad, Adv.
For M/s PH Parekh & Co., Adv.

IN SLP 1729

Mr. Mahendra Anand, Sr. Adv.
Mr. Nikhil Goel, Adv.
Mr. Naveen Goel, Adv.
Mr. Marsook Bafaki, Adv.
Ms. Sheela Goel, Adv.

In SLP 1304, 1306, 1310, 1365,
1367, 1375, 1630, 1632-1634, 1636,
1661, 1667, 1669, 1698, 1717, 1719,
1769, 1928, 1946, 1947, 1949, 1952,
1959, 1960, 1961, 1965, 1980, 1983,
3616, 2047, 2059, 2111, 2213

Mr. Lalit Bhasin, Adv.
Ms. Nina Gupta, Adv.
Mr. Akshat Goel, Adv.
Ms. Ishita Sehgal, Adv.
Ms. Bina Gupta, Adv.

In SLP 2059

Mr. Huzefa Ahmadi, Adv.
Ms. Garima Kapoor, Adv.
Mr. Ejaz Maqbool, Adv.

SLP(C) 34863-34865/2009

6

In SLP 1952

Mr. Bhargava V. Desai, Adv.
Mr. Rahul Gupta, Adv.
Mr. Nikhil Sharma, Adv.

In SLP 1968, 1949,
1980 & 1985

Mr. Aniruddh P. Mayee, Adv.
Ms. Charu Datta Mahendrakar, Adv.
Ms. Rucha A. Mayee, Adv.

In SLP 1769, 1306, 1719,
1965, 1630 & 1636

Mr. Subhash G. Barot, Adv.
Mr. Arun K. Sinha, Adv.
Mr. Rakesh Singh, Adv.,
Mr. Mrugesh Patel, Adv.

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

SLP(C) 34863-34865/2009

7

Delay condoned in SLP(C) .../2010 CC 5373-
5375 and 5419-5421/2010.

Leave granted.

We have heard the learned counsel for the
Indian Airlines Corporation who informs us that
the entire compensation that had been determined
against the Corporation has been deposited along
with interest upto 16th February, 2010 with the
City Civil Court, Ahmedabad. We are also
informed that pursuant to the orders of the High
Court, the Airports Authority of India which is
also respondent in this bunch of matters has
deposited 30% of the compensation that had been
determined whereas they were called upon to
deposit only 10% and as such the Airports
Authority was entitled to refund of 20% of the
compensation as of today.

After hearing the learned counsel for the
parties, we direct that the compensation shall
be disbursed to the claimants in terms of the
chart that has been produced before us in Court
by the trial court in Ahmedabad within a period

of one month from today on furnishing security
other than bank guarantee to the satisfaction of
the City civil court, Ahmedabad.

SLP(C) 34863-34865/2009

8

In the light of the fact that counter claims
for enhancement have also been made in this
Court, we decline the prayer of the Airports
Authority that 20% of the compensation should be
refunded.

We, however, clarify that the share of the
Airports Authority will be disbursed as per the
orders of the High Court. We further clarify that
if any claimant has not withdrawn any amount in
terms of the High Court judgment so far they would
be entitled to do so from the City Civil Court,
Ahmedabad.

Additional documents, if any, be filed
within a period of six months.

Appeals be set down for hearing within a
period of one year. The interim order dated 16th
February, 2010 stands vacated.

[KALYANI GUPTA]
SR.P.A.

[VINOD KULVI]
COURT MASTER