

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1596 OF 2009
(Arising out of S.L.P. (C) No.6530 of 2006)

Kamala Kom Mahabaleshwar Warkar ...Appellant(s)

Versus

Krishni Kom Pundalik S. (Dead) Rep. By L.R. ...Respondent(s)

O R D E R

Leave granted.

By the impugned order, the High Court, after taking note of the fact that Defendant No.2 had raised construction on the land belonging to plaintiff-appellant, directed him to pay a sum of Rupees thirty five thousand to the plaintiff-appellant. The suit was filed in the year 1974. At that time, valuation of the suit property was between Rs.10,000 and 15,000.

Having heard learned counsel for the parties and taking into consideration the totality of the circumstances, we are of the view that the High Court should have directed Defendant No.2 to pay Rs.1,50,000/- to the plaintiff in lieu of her property.

Accordingly, the appeal is allowed in-part and the impugned order is modified to the extent that defendant No.2 is directed to pay Rs.1,50,000/- to the appellant within a period of six months from today.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

**New Delhi,
March 06, 2009.**