

PETITIONER:
UNION OF INDIA

Vs.

RESPONDENT:
RANGILA RAM (DEAD) BY LR.

DATE OF JUDGMENT 28/08/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1996 AIR 206 1995 SCC (5) 585
JT 1995 (7) 655 1995 SCALE (5)178

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

On December 2, 1977, a notification under Section 4 of the Land Acquisition Act, 1894 [for short, 'the Act'] was issued acquiring 267.2675 acres of land in village Bhatotarwan for defence purposes. The award was made by the Land Acquisition Collector on October 23, 1979. Against the award, the District Judge-arbitrator by his award dated February 7, 1981, enhanced the compensation and further award Rs. 700/- per acre for loss of livelihood/profession. Dissatisfied thereof, both the State as well as the respondent writ petitions in the High Court which by judgement dated March 15, 1982 enhanced the compensation to Rs. 11,000/- and 10,000/- per acre respectively. Following that, respondent's R.F.A. No.1209 of 1981, was disposed of on November 5, 1982.

An application under Sections 151 and 152, Civil Procedure Code [for short, 'CPC'] was filed in 1986 before the High Court for amendment of the decree in the cross-objections to award them 30% of the solatium 9% interest for the first year and 15% interest thereafter till the date of deposit as per S.23(2) and proviso to S.28 pursuant to the Amendment Act 68 of 1984. The High Court allowed the application on November 26, 1987. Thus, this appeal by special leave.

The point is no longer res integra. This Court has considered the scope of the power of the High Court under Ss. 151 and 152, CPC and also under S.13(A) of the Act. This Court has held that once civil court made an award as per law then in force which became final and that there is no error of law as on that date. Subsequent amendment does not give power to the court to amend the decree under Ss. 151 and 152, CPC. This was held in State of Maharashtra vs. Maharau Sravan Hetkar [(1995) 3 SCC 316] and Union of India and Ors. v. Pratap Kaur (dead) through Lrs. and Anr. [(1995)

3 SCC 263]. In Maharau Sravan Hetkar's case, this Court held that the civil court lacked inherent jurisdiction and was devoid of the power to entertain an application to award additional benefits under the Amendment Act 68 of 1984. The facts therein were that the award had become final and the Amendment Act 68 of 1984 had come into force on September 24, 1984. The respondents made an application under Sections 151 and 152, CPC to award enhanced solatium and additional benefits etc. and the civil court allowed and granted the same. In that context, considering the civil court's power under Sections 151 and 152, CPC, this Court laid the above law.

In Pratap Kaur's case, after the award became final, the respondents filed miscellaneous application to demarcate and award compensation on the rates were ordered by the High Court which were accordingly granted and the jurisdiction of the District Court was challenged. Though the High Court had affirmed the order, this Court held that after the award became final, the civil court was devoid of power or jurisdiction and there was no arithmetical or clerical error in the award. The exercise of the power was independent of reference. Therefore, the civil court ceased to have any power after the award became final, to alter or correct clerical or arithmetical errors. The civil court was, therefore, devoid of jurisdiction and power to award or order additional benefits.

It would, therefore be clear that the claimant was not entitled to the additional benefits and Sections 151 and 152, CPC cannot be invoked to award the additional benefits under the Amendment Act 68 of 1984. The High Court, therefore, has no power to amend the decree to award enhanced statutory benefits. The decree passed by the High Court is clearly without jurisdiction and annaullity.

The appeal is accordingly allowed. No costs.