

SURBUDDIN AND ANR.
v.
STATE OF KERALA AND ANR.

A

JANUARY 23, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

B

Land Reforms Act—Joint claim statement by husband and wife—Only husband granted compensation—Joint claim for respective holding—Wife too has to be granted compensation.

Land of husband and wife was taken over under the Land Reforms Act. They jointly filed their claim statement. Only husband was awarded compensation. Wife appealed. The High Court dismissed the appeal holding that no separate claim had been made by the wife.

C

Allowing the appeal, this Court

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HELD : Wife and husband jointly laid the claim. They both made the claim in respect of their respective holdings. State shall compute and grant the compensation payable to the wife in respect of the land held by her. [534-C]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1017 of 1995.

E

From the Judgment and Order dated 16.7.84 of the Kerala High Court in L.A.A. No. 266 of 1970.

E.M.S. Anam for the Appellants.

F

M.T. George for the Respondents.

The following Order of the Court was delivered :

Leave granted.

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Notice itself was issued to the husband and the wife for making their claim for lands respectively held by them which was taken over under the Land Reforms Act. They also filed jointly their claim statement as indicated in the statement filed in this Court. In that view of the matter, the

H

- A Tribunal should have granted to both the claimants the compensation for the lands respectively held by the husband as well as the wife. Since the wife was not separately awarded while granting the compensation to the husband, when the appeal was filed, the High Court of Kerala in the impugned order dated July 6, 1984 in LAA No. 266/78 dismissing the appeal on the ground that there was no separate claim made by the wife.
- B The High Court was wrong in coming to the conclusion that the claim was not made by the wife. She and her husband jointly laid the claim and so it would be that they both made the claim in respect of their respective holdings. In that situation, the State should have granted compensation to the lands respectively held by them.

C The appeal is accordingly allowed. The competent authority is directed to compute the compensation payable to the wife in respect of the land held by her. No costs.

A.G.

Appeal allowed.