

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali, HCJ
Mr. Justice Amir Hani Muslim
Mr. Justice Umar Ata Bandial

Civil Appeals No.1125 & 1126 of 2014.

*(On appeal from judgment of Lahore High Court, Rawalpindi Bench
dated 10.4.2014, passed in RFAs No.144 & 145 of 2003, respectively)*

Sheikh Muhammad Ilyas Ahmed, etc _____ (in CA-1125/14)

Hamid Bashir, etc _____ (in CA-1126/14)

...Appellants

Versus

Pakistan through Secretary Ministry of Defence, Islamabad, etc

... Respondents

For the appellant: Mr. Altaf Elahi Sheikh, Sr. ASC

For the Federation: Mr. Sohail Mehmood, DAG.
Sqd. Ldr. Farhat Rafiq.

Date of hearing: 29.10.2015

JUDGMENT

Anwar Zaheer Jamali, C.J. – For the reasons set out in the applications for condonation of delay, the delay in filing of these appeals is condoned and the appeals are taken up for hearing on merit.

2. At the outset, learned ASC for the appellants has made a statement at the bar that in view of announcement of judgment by this Court today in connected Civil Appeals No.1120 to 1124 of 2014, the appellants are not pressing these appeals for seeking further enhancement in the amount of compensation, but only to the extent of non awarding of interest on the amount of compensation, as mandated

under section 34 of the Land Acquisition Act, 1894 (in short "the Act of 1894"), which has been withheld for no valid reasons.

3. A bare reading of above referred provision of the Act of 1894 reveals that awarding of such interest is statutory in nature, which cannot be withheld. Thus, the appellants are fully entitled for grant of compound interest at the rate of eight percent per annum from the date of taking possession of acquired land till the date of payment of its compensation, but for no valid reasons, such relief has escaped the sight of the two Courts below.

4. This being the position, these appeals are partly allowed to the extent that the appellants will also be entitled for compound interest at the rate of eight percent per annum from the date when possession of the acquired land was taken over from them till the time, compensation in terms of the impugned judgment dated 10.4.2014, is paid to them.

Chief Justice

Judge

Islamabad,
29th October, 2015.
Approved for reporting.
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Judge