

THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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A.S.No.2026 OF 2000

JUDGMENT:- (per Hon'ble Sri Justice K.C.Bhanu)

This appeal, under Section 54 of the Land Acquisition Act, 1894, is filed challenging the order and decree, dated 25.4.2000, in O.P.No.336 of 1993 on the file of the Principal Senior Civil Judge, Vijayawada, Krishna District.

2. The aforementioned appeal was partly allowed by this Court by way of a common judgment, dated 4.1.2007, in A.S.No.2011 of 2000 and Batch. It is brought to the notice of this Court by the learned counsel for the appellant that the sole appellant died on 11.4.2004 i.e., before passing the said judgment and decree. This fact has not been brought to the notice of this Court earlier. The decree passed against a dead person is a nullity. Hence, the said judgment and decree are set aside and the appeal is restored to file. Now, the legal representatives of the deceased sole appellant are brought on record as appellant Nos.2 to 4.

3. Heard both sides. Learned counsel for both the parties stated that the appeal has to be partly allowed as per the findings of this Court in the judgment, dated 4.1.2007, in A.S.No.2011 of 2000 and Batch.

4. In view of the facts and circumstances, this appeal is partly allowed in terms of the order, dated 4.1.2007, in A.S.No.2011 of 2000 and Batch. There shall be no order as to costs.

5. Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

Date: 8.4.2015

AMD

Note:- Registry is directed to attach copy of the common judgment, dated 4.1.2007, in A.S.No.2011 of 2000 and batch to this order.

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