

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF JUNE

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.15303 of 2015

BETWEEN

Ch. Balaraju and others.

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue and Stamps
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioners: MR. RAJA GOPALLAVAN TAYI

Counsel for the Respondents: GP FOR REVENUE (TG)

The Court made the following:

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ORDER:

The writ petition is filed with an allegation that notice of passing of the award was never served on the petitioners. However, a specific paragraph in the impugned award records as follows:

“The case was taken up for hearing by this Court and notices were sent to the opponents by Registered Post with Acknowledgement (RPAD) and ordered personal service to serve the summons to all opponents to the Disputant company to appear before this court on 20-06-2012. Summons of Opp 1 to Opp served. In spite of summons for appearance of all opponents failed to appear before this court as per the directions HONOURABLE DEPUTY REGISTRAR OF CHITS/ARBITRATOR: Hence, their absence on the appearance day and the matter is posted to 22-09-2012, 17-12-2012, 19-01-2013, 23-03-2013, 27-04-2013, 15-06-2013, 03-08-2013, 21-09-2013, 12-10-2013, and 09-11-2013 for hearing. So this court directed the disputant to serve the summons to the opponents by way of paper publication with a direction to appear all the opponents on 25-11-2013 at 11 a.m. accordingly the disputant notified the summons to the opponents through paper publication in the Telugu daily paper “Prajha Sakthi” dated 14-11-2013, in spite of summons through paper publication, all the opponents failed to appear before this court as per the directions in the paper publication. Hence, their absence on the appearance day, treated as *ex parte*.”

2. The aforesaid paragraph shows that the averments of the petitioners are absolutely incorrect. Hence, the discretion of this Court does not deserve to be exercised in favour of such petitioners.

The writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 2, 2015

DSK