

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.No.6302 OF 2006

ORDER:

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This Civil Revision Petition is filed against the order dated 12-07-2006 in Tel.O.P.No.1094 of 2003 passed by II Additional District Judge, Visakhapatnam, wherein the Court below has refused to enhance the compensation granted by the respondents under Telegraph Act to the Principal of petitioner on the ground that no evidence is produced by the petitioner for enhancing the compensation.

Heard learned counsel for the petitioner.

Learned counsel for the respondents submits that the Court below rightly dismissed the O.P., on the ground that no evidence was adduced seeking enhancement of the compensation. He also submits that original owner was present at the time of cutting trees, but he has not objected for the same. Now, the General Power of Attorney holder without filing original copy of G.P.A. cannot contend otherwise. As such, no interference is called for.

A reading of the impugned order goes to show that the Court below has elaborately considered the issue. No evidence is filed justifying the claim for enhancement of compensation. More so, original G.P.A. was also not filed. The proceedings also goes to show that the original owner has not objected cutting of trees, though he was present at that time. As rightly contended by learned counsel for the respondents, now the G.P.A. cannot contend otherwise, when the original owner has no objection. More so, the O.P. is not maintainable, unless the GPA followed by affidavit under rule 32 of Civil Rules of Practice stating that there is subsisting and a valid G.P.A. in favour of G.P.A. holder.

Accordingly, the Civil Revision Petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

26-11-2015
Nvl

