

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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CIVIL REVISION PETITION Nos.1233 and 1238 of 2015

Between:

Sri Krishna Goseva Mandal.

....Petitioner

and

The Special Deputy Collector (LA),
General, Hyderabad,
And others.

....Respondent

JUDGMENT PRONOUNCED ON : 21.12.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION Nos.1233 and 1238 of 2015

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COMMON ORDER:

These two Civil Revision Petitions are being disposed of as they arise out of common cause of action.

The decree holders in L.A.O.P.No.62 of 1989 and L.A.O.P.No.379 of 1989 on the file of the learned I Senior Civil Judge, City Civil Court, Hyderabad, are the petitioners herein. The first respondent herein is the judgment debtor. The decree holders filed E.P.No.133 of 2008 in L.A.O.P.No.62 of 1989 and E.P.No.132 of 2008 in L.A.O.P.No.379 of 1989 for execution of the decrees. The petitioners herein filed E.A.No.86 of 2012 in

E.P.No.133 of 2008 and E.A.No.89 of 2012 in E.P.No.132 of 2008 praying the Court to issue account payee cheque for an amount of Rs.7,98,426/- and Rs.20,92,958/- respectively, which is lying in the credit of the above E.Ps, in favour of the petitioners – decree holders, for onward credit to the current account No.67 in the Agrasen Co-operative Urban Bank Limited, Siddiamber Bazar Branch, Hyderabad. The said applications were filed with an averment that the decree holders filed the O.Ps against the judgment debtor for enhancement of the market value of the property acquired, and the said petitions were allowed by order dated 29.12.2000. Challenging the same, the judgment debtor preferred appeals and the decree holders preferred cross objections to this Court. The appeals were dismissed and the cross objections were allowed enhancing the market value to Rs.800/- per square yard by judgment and decree dated 31.01.2006 with all consequential benefits. Pursuant to the said judgment, the respondents deposited a part of the amount of Rs.7,98,426/- and Rs.20,92,958 respectively. The present applications were filed for withdrawal by the petitioners in order to further deposit in the current account of the petitioners. The same were dismissed on the ground that originally there were five claimants and they were entitled to receive the compensation amount. The petitioners themselves got impleaded in the appeals in C.C.C.A.No.121 of 2002 and C.C.C.A.No.58 of 2002. The common judgment rendered by this Court did not indicate that the petitioners were entitled to receive the amount of compensation. In those circumstances, the applications were dismissed. Challenging the order in E.A.No.86 of 2012, C.R.P.No.1233 of 2015 is filed and challenging the order in E.A.No.89 of 2012, C.R.P.No.1238 of 2015 is filed.

A perusal of the order in L.A.O.P.No.379 of 1989 dated 29.12.2000 shows the names of the four respondents as claimants. The Division Bench of this Court enhanced the compensation in a common order and the present petitioners got impleaded themselves as one of the respondents in the appeal preferred by the first respondent. This Court, by judgment and decree dated 31.01.2006 enhanced the compensation from Rs.500/- to Rs.800/- per square yard. The petitioners herein appear to be the Trust, represented by its General Secretary. Though the original landowners, who were claimants,

were impleaded in the present Civil Revision Petitions, they were not impleaded in E.A.Nos.86 and 89 of 2012. In those circumstances, this Court called for an affidavit from at least one of the original claimants and all of them filed a common affidavit stating that, on the basis of the Deed of Relinquishment of Rights, which was executed by them and registered, the petitioners got a right to receive 50% of the compensation in L.A.O.P.No.62 of 1989 and L.A.O.P.No.379 of 1989 as enhanced by judgment and decree of this Court dated 31.01.2006.

At this stage, it is submitted by the learned Counsel for the petitioners that the original owners have already received 50% of the amount and the amount now deposited by the first respondent is the balance 50% of the amount and the petitioners are entitled to receive the said amount. The lower Court shall verify the same at the time of passing the orders in E.A.No.86 of 2012 and E.A.No.89 of 2012.

In the circumstances, the Civil Revision Petitions are allowed by setting aside the orders in E.A.No.86 of 2012 and E.A.No.89 of 2012 and the said E.As are remanded. The petitioners in E.A.No.86 of 2012 and E.A.No.89 of 2012 are entitled to receive 50% of the compensation in L.A.O.P.No.62 of 1989 and L.A.O.P.No.379 of 1989 as enhanced by judgment and decree dated 31.01.2006.

The miscellaneous petitions pending in these Civil Revision Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

21.12.2015
vs