

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5705 of 2012

ORDER :

Heard Sri K. Venkat Rao, counsel for petitioner; and
Sri M.V. Suresh, counsel for respondent nos.2
to 5.

2. In this Revision, the order dt.06.10.2012 in
EP.No.190 of 2007 in LAOP.No.70 of 1992 on the file of I
Additional Senior Civil Judge, Rajahmundry is questioned.

3. Lands of respondents are said to have been
acquired for the purpose of the ONGC and certain
compensation was awarded to them by petitioner.

4. This was challenged in O.P.No.70 of 1992 before
the I Additional Senior Civil Judge, Rajahmundry, by
respondents and there was enhancement of
compensation.

5. Although the petitioner further questioned the
same in Appeal Suit No.1616 of 2000, the said appeal
was dismissed, but the cross-objections filed by
respondents were allowed by this Court on 24.02.2003.

6. Thereafter, EP.No.190 of 2007 was filed for
executing the decree of the High Court before the I
Additional Senior Civil Judge, Rajahmundry, by

respondents.

7. Both petitioner and respondents have filed calculation memos. While the petitioner contended that no further amount is payable to respondents, the respondents contended that they are still entitled to recovery of sum a of Rs.21,14,660/-.

8. By the impugned order dt.06.10.2012, the Court below after quoting the judgment of Supreme Court in **Gurupreeth Singh v. Union of India** ^[1] simply accepted the memo filed by respondents and rejected the memo filed by petitioner. The said order does not contain any reasons with regard to how the calculation memo filed by petitioner was not correct, and how the calculation memo filed by the respondents is correct.

9. Having regard to this fact, the impugned order is set aside and EP.No.190 of 2007 is remitted back to the Court of I Additional Senior Civil Judge, Rajahmundry with a direction to decide the same afresh by a reasoned order keeping in mind the principles laid down in the above decision of Supreme Court, which both parties accept, is applicable. Therefore, the Civil Revision Petition is allowed with the above directions. No order as to costs.

10. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26.10.2015

Ndr/*

[\[1\]](#) 2006 (8) SC 457