

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

L.A.A.S.NO.146 OF 2015

Between:

1. K.Sandhya Rao and one other.

...APPELLANTS

AND

The Special Deputy Collector (Land Acquisition)

Unit-IV,ORRP, HMDA, Tarnaka, Hyderabad.

...RESPONDENT

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DATE OF JUDGMENT PRONOUNCED: 12.08.2015.

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE S.RAVI KUMAR

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No

3. Whether Their Lordship wish to see the
fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE S.RAVI KUMAR

L.A.A.S.NO.146 OF 2015

JUDGMENT: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

Heard Sri K.Chidambaram, learned counsel for the appellants and the learned Government Pleader for Appeals (Telangana), and with their consent the appeal is disposed of at this stage.

The appellants herein are the claimants in L.A.O.P.No.877 of 2012. On a reference made to the Court below under Section 18 of the Land Acquisition Act, 1894, the appellants (claimants in the O.P.) entered appearance on 07.08.2013 and took time to file their claim statement. On the ground that no claim statement was filed, they were set *ex parte* on 12.02.2014; and an *ex parte* decree was passed on 21.02.2014 confirming the award passed by the Land Acquisition Officer fixing the compensation at Rs.5,00,000/- per acre.

In the affidavit filed in support of the appeal, it is stated that the appellants' father was hospitalised in Apollo Hospitals, Karimnagar; he later expired on 25.02.2014; it is in these circumstances that he could not contact his counsel; in the process, he was set *ex parte* on 02.02.2014; and, thereafter, an *ex parte* judgment was passed on 21.02.2014.

Sri K.Chidambaram, learned counsel for the appellants, would submit that if the appellants are given one more opportunity, they would file a claim statement without seeking any further adjournment.

Learned Government Pleader for Appeals would submit that the appellant did not file any application to set aside the *ex parte* order dated 12.02.2014, and they cannot, therefore, be permitted to file a petition to set aside the *ex parte* decree.

The appellant's failure to be present on 12.02.2014 appears to be for genuine reasons of the ill health and hospitalisation of his father, who died soon thereafter on 25.02.2014. We consider it appropriate, in such circumstances, to set aside the *ex parte* decree; and give one more opportunity to the appellants to have their claim adjudicated on merits.

The order under appeal is set aside, and the L.A.O.P. is restored to file. The appellants shall file their claim statement within one (1) month from today failing which it is open to the Court below to pass orders in accordance with law without giving the appellants any further opportunity of being heard. The appeal stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(S.RAVI KUMAR, J)

12th August 2015

Note: Issue CC by one week

B/O

RRB