

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1283 OF 2017

ORDER:

This civil revision petition is filed against docket order dated 23.01.2017 passed in E.A (SR).No.1203 of 2016 in E.P.No.19 of 2008 in O.P.No.245 of 1981.

2. The petitioner herein is claimant no.3. Matter relates to payment of compensation for the lands acquired for Singareni Collieries Company Limited, Godavarikhani.

3. The case of the petitioner is that the enhanced compensation for the acquired land in question worked out to Rs.2,40,391/-, and the said amount was invested in FDR and, therefore, the petitioner filed a memo to cancel the FDR and call for the amount including interest accrued thereon. The FDR was cancelled and to withdraw the said amount, the petitioner filed EA No.142 of 2010. During enquiry on that application, the Court below raised certain objections including calling for legal heir certificate and also asked to answer as to how the petitioner alone is entitled to receive the amount, when he has other brothers and sisters and ultimately dismissed the said EA No.142 of 2010. In the meanwhile the said amount was again re-invested in FDR. Aggrieved by the dismissal of EA No.142 of 2010, the petitioner filed civil revision petition being CRP No.1618 of 2014. This Court by order dated 22-04-2014 passed interim order and permitted the petitioner to withdraw the EA amount subject to condition of filing an indemnity bond undertaking to repay the amount, in case of any such similar claim is made by any other person. Pursuant to the said conditional

order, the petitioner executed indemnity bond and withdrew the amount of Rs.2,44,058/-.

4. The petitioner states that the amount of Rs.2,44,058/-, is principal amount and interest accrued thereon, as on the date of filing the EA, but by virtue of re-investment of the said amount in FDR and nearly four years of time elapsed, from the date of filing the EA till the date of order passed in the CRP No.1618 of 2014, an amount of Rs.75,033/- is again accrued as interest on the amount of Rs.2,44,058/- and the petitioner is also entitled to receive that interest amount accrued on Rs.2,44,058/-.

5. The grievance of the petitioner is that when the petitioner sought to withdraw that amount of Rs.75,033/- accrued as interest on Rs.2,44,058/- by way of filing the instant EA, being E.A (SR) No.1203 of 2016 filed under Rule 230, 231, 233 to 235 of Civil Rules of Practice, the Court below returned the same on the ground that the amount of Rs.2,44,058/- withdrawn pursuant to the order passed in CRP No.1618 of 2014, includes principal and interest. Petitioner's case is that a further amount of Rs.75,033/- is accrued as interest on the amount of Rs.2,44,058/- during the interregnum period of these four years and the petitioner is entitled receive the same. But, by the impugned order, the Court below returned EA (Sr). Hence, civil revision petition.

6. Heard learned counsel for the petitioner. None appears for the respondents.

7. It is borne out from the record that earlier the petitioner filed EA No.142 of 2010 claiming an amount of Rs.2,44,058/- which includes principal and interest accrued thereon. Dismissal of that application, necessitated the petitioner to approach this Court by

way of civil revision petition, being CRP No.1618 of 2014.

Pursuant to the order passed by this Court in CRPMP No.2284 of 2014 in CRP No.1618 of 2014, subject to conditions referred to above, the petitioner was permitted to withdraw the amount of Rs.2,44,058/-. Now, the instant EA (Sr.) is filed to withdraw the amount of Rs.75,033/- accrued as interest on Rs.2,44,058/-.

Since the amount of Rs.75,033/- which is now sought to be withdrawn is the accrued interest on Rs.2,44,058/- and the amount of Rs.2,44,058/- is already permitted to be withdraw by the petitioner conditionally by this Court in CRP No.1618 of 2014, the Court below ought to have entertained the EA and enquired into and pass appropriate orders thereon. However, the EA (Sr.) was returned at the stage of assigning number, and no order is passed on merits of the matter, suffice it direct the Court below to number the EA (Sr.) and pass orders thereon, in accordance with law.

8. With the above direction, the civil revision petition is disposed of. Registry is directed to return original EA (Sr.) bundle after obtaining photo copies of the same. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

09-06-2017

kvs

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Date: 09.06.2017

kvs

