

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.3782 OF 2011

ORDER:

This revision is filed under Section 115 CPC assailing the order, dated 26-07-2007 passed in E.P.No.85 of 2004 in O.P.No.175 of 1989 by the I Additional District Judge, Nizamabad, over-ruling the objection raised by the J.Dr. on the claim for interest on the market value and solatium on the ground that the Executing Court cannot go beyond the decree and award interest on solatium.

2. Though notice is served, none appeared for the 1st respondent.

3. As seen from the decree, the Court awarded interest at 9% p.a., from the date of possession i.e., from 19-04-1976 for one year and thereafter at 15% p.a., till the date of realization both on the market value and solatium as per clause (iv) to para 13 of the judgment. Therefore, the contention of the Government is contrary to the principle laid down in **GURUPREETH SINGH's** case (2006 (10) scale 393). Hence, the revision is not maintainable in view of law declared by the apex Court as referred above. On the other hand, the order passed by the Executing Court is in consonance with the law declared by the apex Court.

4. Accordingly, the Civil Revision Petition is dismissed at the stage of admission. No order as to costs. Miscellaneous petitions, if any pending, in this revision shall stand closed.

M.SATYANARAYANA MURTHY, J

DATED:17-07-2017.

Hsd