

THE HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

Appeal Suit No. 493 of 2018

Judgment:

This appeal is filed against the judgment and decree dated 27.01.2018 passed in OS No.13 of 1999 by the Agent to the Government (District Collector, Khammam).

This Court has heard both the learned counsel.

The suit filed before the lower Court is essentially for declaration and recovery of possession of the suit schedule properties. But, this Court finds that ultimately the Court below directed partition of the suit schedule properties and also held that the plaintiff may share her eligible extent as per Hindu Succession Act, if she is otherwise eligible.

On examination of the facts and pleadings and the judgment of the Court below, this Court is of the opinion that due process of law has not been followed. The final order is also not as per the prayers made. Therefore, the impugned judgment and decree are liable to be set aside and the matter is to be remanded to the lower Court for fresh disposal as per law.

Accordingly, the Appeal Suit is allowed and the impugned judgment and decree dated 27.01.2018 passed in OS No.13 of 1999 by the Agent to the Government (District Collector, Khammam) are set aside. The matter is remanded to the Court below with a direction to dispose of the same as per law, after giving an opportunity of hearing to both the parties, within a period of six (6) months from today. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this appeal shall stand closed.

D.V.S.S. SOMAYAJULU, J.

Date: 10.07.2018
Nsr



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