

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.1005 of 2013

ORDER:

Heard Mr.Ch.Srinivas for revision petitioner and Sri V.V.Ramana Rao for contesting respondents.

O.P.No.1 of 2004 is filed under Section 30 of the Land Acquisition Act, 1894. The revision petitioner is arrayed as claimant No.103/respondent No.103 in O.P.No.1 of 2004. The revision petitioner filed chief affidavit and was absent on 30.03.2012. The trial Court eschewed the affidavit and closed the evidence of revision petitioner. The revision petitioner filed I.A.No.295 of 2012 to set aside the order eschewing the chief affidavit filed by the revision petitioner. On 25.06.2012 for want of revision petitioner, I.A.No.295 of 2012 was dismissed. The revision petitioner filed in I.A.No.490 of 2012 to restore I.A.No.295 of 2012. Through the order impugned in civil revision petition, the prayer for restoring I.A.No.295/2012 is rejected. Hence, the Civil Revision Petition.

I have perused the record and *prima facie*, this Court is of the view that the trial Court instead of being hyper technical and to further the ends of justice de hors a few omissions on the part of revision petitioner in contesting

the trial Court ought to have allowed the prayer made in I.A.No.490/2012. The revision petitioner certainly has a substantive claim which is required to be proved for entitlement under Section 30 of the Land Acquisition Act. Denying the opportunity results in depriving opportunity to adduce the evidence in support of the claim for compensation pending in the reference under Section 30. In the considered view of this Court, the reasons assigned by the trial Court are unsustainable and the litigation has been unnecessarily kept pending for all these years, on account of the order impugned in the Civil Revision Petition and the order of stay granted by this Court, the delay resulted in deprivation of compensation to undisputed claimants as well.

For the above reasons, the Civil Revision Petition is allowed. Order in I.A.No.490 of 2012 is set aside. I.A.No.295 of 2012 is restored to file. The prayer in I.A.No.295/2012 is not the subject matter of instant Civil Revision Petition, this Court directs the trial Court to pass orders keeping in view the above observations made in this order and dispose of I.A.No.295/2012 within four weeks from the date of receipt of copy of this order. The revision petitioner remains present before the court along with a

memo and copy of this order within two weeks from today. The revision petitioner shall appear before the Court on the day fixed by the court for recording of the evidence. The revision petitioner if continues to non-cooperate, the trial judge is given liberty to give reasons and pass orders in accordance with law. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 28.08.2018

Note:

**CC in three days
(B/o) dv**



S. V. BHATT, J

