

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.671 OF 2019

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908, is filed by the revision petitioners/decreed holders aggrieved by the order, dated 13.12.2018, passed in E.P.No.157 of 2016 in L.A.O.P.No.50 of 1987 by the I Senior Civil Judge, City Civil Court, Hyderabad, wherein the Court below has dismissed the subject Execution Petition filed by the revision petitioners/decreed holders seeking recovery of a sum of Rs.1,68,18,532/- from the respondent/judgment debtor, being the interest amount due for the period from 28.02.2006 to 30.09.2016 i.e., till filing of the subject E.P., on balance compensation amount of Rs.1,05,91,381/-.

2. Heard the learned counsel for both sides and perused the record.

3. Learned counsel for the revision petitioners/decreed holders would submit that though the amounts calculated in E.P.No.188 of 2008, filed for execution of the order, dated 29.10.1998, passed in L.A.O.P.No.50 of 1987 by the I Senior Civil Judge, City Civil Court, Hyderabad, were paid in December, 2015, requisite interest for the period between 28.02.2006 and December, 2015, on the said amount has not been paid till the date of filing of the subject E.P., so also some interest has been accrued during pendency of the present Civil Revision Petition and therefore, the impugned order

passed by the Court below is erroneous and ultimately, prayed to set aside the same.

4. Learned Special Government Pleader appearing for the respondent/judgment debtor would fairly submit that some amount is payable towards interest on the compensation amount granted in favour of the revision petitioners/decreed holders/land losers.

5. As seen from the record, the interest payable to the revision petitioners/decreed holders for the period between 28.02.2006 and December, 2015, on the balance compensation amount has not been paid. The revision petitioners/decreed holders are entitled for the same as per the order, dated 29.10.1998, passed in L.A.O.P.No.50 of 1987 by the I Senior Civil Judge, City Civil Court, Hyderabad. Under these circumstances, the impugned order is liable to be set aside.

6. Accordingly, the Civil Revision Petition is allowed and the order, dated 13.12.2018, passed in E.P.No.157 of 2016 in L.A.O.P.No.50 of 1987 by the I Senior Civil Judge, City Civil Court, Hyderabad, is set aside. E.P.No.157 of 2016 is restored to its file. The Court below is directed to make the calculations afresh and dispose of E.P.No.157 of 2016 in accordance with law.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

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Dr. SHAMEEM AKTHER, J

February 13, 2020.  
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