

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

APPEAL SUIT No.587 of 2019

JUDGMENT:

The Appeal Suit, under Rule 49 of Andhra Pradesh Agency Rules, 1924, is filed by the appellant/defendant aggrieved by the judgment, dated 31.08.2019, passed in O.S.No.62 of 2019 by the Agent to the Government and District Magistrate, Bhadradri, Kothagudem.

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

3. It is brought to the notice of this Court by both the learned counsel that O.S.No.62 of 2019 was filed for perpetual injunction and the Court below was pleased to pass the following judgment:-

“Heard both the counsel. The Tahsildar, Dammipeta is directed to demarcate the suit schedule property and fix the boundaries and handover the same to the plaintiff as per existing map already prepared by Assistant Director (S&LR) previously which is enclosed herewith under cover of panchanama and submit compliance report within one month from the date of receipt of this order.

The suit is disposed of accordingly.”

4. On a perusal of the judgment, a distinct relief was granted by the Court below, which is not permissible under law. The Court below ought to have adverted to the relief sought for and either declined or granted the same after due enquiry.

5. Under these circumstances, the impugned judgment dated 31.08.2019 passed in O.S.No.62 of 2019 by the Agent to Government and District Magistrate, Bhadradri, Kothagudem, is set

aside and the Court below is directed to dispose of the said suit in accordance with law.

6. With the above direction, the Appeal Suit is allowed.

Pending Miscellaneous Petitions, if any, shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date : 19.02.2020
ssp

