

HON'BLE SRI JUSTICE A. GOPAL REDDY

C.R.P. No.443 OF 2010

DATE:26-02-2010

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BETWEEN:

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Vanapalli Musalayya (died) per L.Rs.
& Another.

...Petitioners

AND

Land Acquisition Officer-cum-
Special Deputy Collector, Y.R.P. Unit,
Peddapuram, East Godavari District.

...Respondent

-
THIS COURT MADE THE FOLLOWING:

HON'BLE SRI JUSTICE A. GOPAL REDDY

C.R.P. No.443 OF 2010

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ORDER:

This revision is directed against the docket order of the Senior Civil Judge, Peddapuram, dated 27.3.2001 returning the E.P. for non-complying with the objections that the decree holder has to show the particulars of payments after appropriating the amount paid by the Government first towards the principal amount and he cannot adjust the same towards interest first.

The calculation memo filed by the petitioner-decree holder

shows that the land value awarded by the Land Acquisition Officer has been deducted from the enhancement made, and that the balance, interest and solatium etc. has been calculated. If the calculation memo filed by the petitioner-decree holder is not in accordance with the law declared by the Apex Court in **Prem Nath Kapur v. National Fertilizers Corpn. Of India Ltd.**^[1] which has been approved and explained in **Gurpreet Singh v. Union of India**^[2], the same can be a matter of enquiry on the judgment debtor pointing out the defect in the calculation memo filed along with the E.P.

In that view of the matter, the lower Court committed irregularity in returning the E.P. at the threshold. The impugned order is accordingly set aside. The lower Court is directed to receive and number the E.P. filed by the petitioner and proceed with the enquiry in accordance with law.

Accordingly, the revision is allowed. No order as to costs.

A. GOPAL REDDY, J.

FEBRUARY 26, 2010
Tsr.

[\[1\]](#) (1996) 2 SCC 71
[\[2\]](#) (2006) 8 SCC 457