

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.2950 of 2010

ORDER:

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This Civil Revision Petition is filed against the order, dated 24.02.2010, passed in E.P.No.9 of 2007 in O.P.No.3 of 1990 (in the impugned order, wrongly mentioned as O.S.No.3 of 1990), by the learned Senior Civil Judge, Jangaon.

Petitioner, who is a decree holder, filed aforesaid E.P. supported by a calculation sheet, which shows that there is further due amount of Rs.94,624.35 ps. by the respondent, whereas it is the case of the respondent that entire due amount of Rs.1,85,572/- was already deposited, as such, no E.P. can be maintained for the relief sought for.

When the matter has come up for hearing on the last occasion, this Court adjourned it to enable the learned counsel appearing for the respondent to calculate the decretal amount and file a calculation sheet. When the matter is called today, a revised calculation sheet signed by the respondent - Land Acquisition Officer and Revenue Divisional Officer, Jangaon, is produced before this Court. The same is placed on record. It indicates that the balance amount to be paid to the petitioner is Rs.95,442/-.

Revised calculation sheet as signed by the respondent reads as under:

BEFORE THE HON'BLE HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

C.R.P.No.2950/2010 in E.P.No.9 of 2007 in O.P.No.3 of 1990
Between:

Cholleti Rajender Reddy retd. through
his G.P.A. Cholleti Rajamalla Reddy

...Petitioner/D.Hr

And

The Land Acquisition Officer,
(R.D.O) Jangaon.

...Respondent/J.Dr

REVISED CALCULATION SHEET

Rs. Ps.

1. Land value to an extent of (Ac.0.08 gts)	
53,240-00	
968 Sq.Yds @ 55/- per sq.yard fixed by the Hon'ble High Court of A.P.	
2. 30% Solatium on land value	15,972-00
3. Total Market Value (Col. 1+2)	69,212-00
4. 12% Addl.Market Value on Rs.69,212/-	20,671-
00	
from 2-1-87 to 28-6-89	
5. Total Amount (3+4)	89,883-
00	
6. Amount paid by L.A.O. on 28-6-89	(-) 30,602-
00	
(Rs.14,300 Land Value + Rs.16,302 Interest)	
7. Total amount due as on 28.06.1989 (5-6)	
59,281-00	
8. 9% interest on Rs.75,583/- from 2-1-87 to 1-1-88 (1 year) (Rs.89,883 – 14,300 = 75,583)	6,802-
00	
(As per R.L.Jain (D) by LRs.(2004) 4 SCC 79	
9. 15% interest on Rs.75,583/- from 2-1-88 to 28-11-1994 (6-Y, 10-M 27-D)	
78,323-00	
10. Total of items (7+8+9)	1,44,406-00
11. Costs awarded in O.P.	1,652-
00	
12. Costs of E.P.12/93	
578-00	
13. Total amount due (item 10 to 12)	1,46,636-
00	
14. L.A.O. (R.D.O) paid 1/3 rd amount as per orders of the Hon'ble High Court of A.P. and deposited in Court 11.11.1994	(-)
47,492-00	
15. Balance amount due	
99,144-00	
16. 15% interest on Rs.75,583/-	

from 29.11.1994 to 31.12.2008
 (14 years 1 month 2 days)
 1,59,732-00

17. Costs of E.P. 113-
 00

18. Total amount due (Col 15+16+17)
2,58,989-00

19. Amount deposited in the Hon'ble Court of
 Senior Civil Judge, Jangaon on 30-12-2008 (-)
 1,85,572-00

20. Balance amount.
73,417-00

21. 15% Interest on Rs.73,417/-
 from 1-1-2009 to 31-12-10 (2 Y)
 22,025-00

22. Balance amount to be paid.
95,442-00

Date:25-10-2010

Land Acquisition Officer
 & Revenue Divisional Officer
 Jangaon.

The revised calculation sheet shows that the petitioner is entitled to a further amount of Rs.95,442/-.

In that view of the matter, I set aside the order, dated 24.02.2010, passed by the learned Senior Civil Judge, Jangaon, in E.P.No.9 of 2007 in O.P.No.3 of 1990, with the direction to the learned Senior Civil Judge, Jangaon, to consider the matter afresh by giving opportunity to the petitioner taking into account the revised calculation sheet as referred to above and pass appropriate orders within a period of six (6) weeks from today.

Subject to the above directions, the Civil Revision Petition is allowed to the extent indicated above.

R.SUBHASH REDDY, J

29th OCTOBER, 2010.

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