

**IN THE HIGH COURT OF TELANGANA AT HYDERABAD**

**C.R.P.No.237 OF 2024**

**Between:**

Burra Rajeshwari

**... Petitioner**

**And**

Burra Rajamma (died) and Others

**... Respondents**

**JUDGMENT PRONOUNCED ON: 30.07.2024**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes  
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes  
see the fair copy of the Judgment?

---

**MRS JUSTICE SUREPALLI NANDA**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA****C.R.P.No.237 OF 2024****% 30.07.2024****Between:**

# Burra Rajeshwari

... **Petitioner****And**

\$ Burra Rajamma (died) and Others

... **Respondents**

&lt; Gist:

&gt; Head Note:

**! Counsel for the Petitione** : Sri T.Ramchandra Rao**^ Counsel for Respondents** : Sri B.Gopala Krishna for R2 &R3**? Cases Referred:**

.....

**HON'BLE MRS. JUSTICE SUREPALLI NANDA****C.R.P.No.237 of 2024****ORDER:**

Heard Sri Thimmaraju Ramchandra Rao, learned counsel appearing on behalf of the petitioner and B.Gopala Krishna, learned counsel appearing on behalf of respondent Nos. 2 and 3.

2. The first petitioner in the Execution petition prayed the present revision petition seeking prayer as under:

".....to set aside the orders passed by the Court of Senior Civil Judge-cum-Assistant Sessions Judge, at Manthani, in E.P.No. 1 of 2018 in O.S.No.05 of 2018, dated 22.12.2023 by allowing the Revision, in the interest of justice, and to pass such other order or orders..."

3. The Revision Petitioner is the decree holder No.1. For the sake of convenience, the parties are arrayed as shown in the execution proceedings E.P.No.01 of 2018 in O.S.No.05 of 2018 on the file of Senior Civil Judge-cum-Assistant Sessions Judge, at Manthani. The decree holders/plaintiffs filed E.P. 01 of 2018 in O.S.No.05 of 2018 on the file of Senior Civil Judge-cum-Assistant Sessions Judge, at Manthani under Order XXI Rule 46(A) of CPC

seeking direction to the judgment debtors to deposit of Rs.14,18,454/-. The plea of the first petitioner/decreed holder No.1 is that as per the Lok Adalat Award in O.S.No.5 of 2008 on the file of Chairman/Senior Civil Judge., Legal Services Authority at Manthani, out of the total amount of compensation of Rs.36,21,136/-, they are entitled to get Rs.14,18,454/- towards their 40% share and the judgment debtors who received the entire compensation from Singareni Collieries Company Ltd. have not paid their share so far, hence the petition.

4. The respondents/judgment Debtor Nos. 2 and 3 filed counter admitting that as per the Lok Adalat, the petitioners are entitled to get 40% share in the total compensation. But, they denied the claim of the petitioners that they have not received their share of the compensation. They stated that the first petitioner/decreed holder No.1 received her 40% share by filing cheque petitions from time to time and that therefore, they are not liable to pay the amount as claimed by the petitioner.

5. The first petitioner examined herself as PW-1 and the respondent Nos. 2 and 3 examined themselves as RWs 1 & 2 and 2 other witnesses are RWs 3 and 4. The first petitioner got

marked two documents and the respondents got marked five documents.

6. The lower Court after considering the oral and documentary evidence on record came to a conclusion that the first petitioner received her share of 40% of the compensation and accordingly, dismissed the Execution Petition.

7. There is no dispute about the fact that as per the Lok Adalat Award, dated 06.08.2010 in O.S.No.5 of 2008, the first petitioner/deGREE holder No.1 is entitled to receive 40% which includes the share of petitioner Nos. 2 to 4, and the judgment debtors the remaining 60% of the compensation.

8. The Judgment Debtors mainly relied upon exhibits R4 and R6 to prove that the first petitioner/deGREE holder No.1 received her share of 40% of the compensation. Exhibit R4 is the RTI copy of the petition filed by the first petitioner/Decree holder No.1 in PLC 10 of 2017.

9. In the first para of the petition, she stated that four houses and five acres of land belonging to petitioner's family had been acquired by Singareni Collieries Company Ltd. And after death of

her husband disputes arose between her and her sons and so suit was filed in the Court of Senior Civil Judge at Manthani and Court passed award, dated 06.08.2010 and that they distributed among themselves the money received towards their houses and lands.

10. PW-1/B.Rajeshwari in her cross-examination admits that she filed PLC 10 of 2017, but when asked whether she received the amount as per the Lok Adalat Award, she evasively says that she does not remember about it. That inferentially goes to show that she deliberately says that she does not remember about it knowing full well that in the PLC, she clearly stated that she had received the amount of compensation.

11. This apart exhibit R6 is the agreement dated 12.11.2017 entered into between the first petitioner/decreed holder No.1 and the respondent Nos. 2 and 3/judgment debtors. A perusal of that agreement clearly shows that she received 40% of the compensation and acknowledged that the respondent Nos. 2 and 3/judgment debtors are not due to pay any amount to her.

12. In the cross examination of RW1 i.e., Burra Sravan Kumar except a suggestion that the signature on exhibit R6 does not belong to the petitioner/deGREE holder and that it is created to evade payment, there is no worthwhile material elicited to doubt the genuineness of exhibit R6 agreement.

13. In the cross examination of PW1, it is even suggested to her that she executed the agreement in the presence of witnesses. Therefore, both exhibits R4 and R6 will clearly prove that the first petitioner had received 40% of the compensation.

14. It therefore follows that the claim of the petitioner for deposit of EP amount is false. The lower Court after appreciating oral and documentary evidence, came to the correct conclusion that the first petitioner /deGREE holder No.1 had received 40% of the compensation and hence, Execution Petition is liable to be dismissed.

**15. In view of the above, there is no illegality or irregularity in the order dated 22.12.2023 passed in E.P.No.01 of 2018 in O.S.No. 05 of 2008 on the file of Senior Civil Judge-cum-Assistant Sessions Judge, at**

**Manthani and accordingly, the present C.R.P No.237 of 2024 stands dismissed. However, there shall be no order as to costs.**

As a sequel, miscellaneous petitions pending, if any, shall also stand closed.

---

**MRS. JUSTICE SUREPALLI NANDA**

Dated: 30.07.2024

**Note:** L.R. copy to be marked  
B/o  
*ktm*