

**(1998) 06 KAR CK 0063**

**In the Karnataka High Court**

**Case No :** Civil Revision Petition No. 2566 of 1995

The Assistant Commissioner and Special Land Acquisition  
Officer, Chitradurga

**APPELLANT**

**Vs**

Smt. M.V. Nagarathnamma (Deceased) By L.Rs and Others

**RESPONDENT**

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**Date of Decision :** 04-06-1998

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Section 151  
Land Acquisition Act, 1894 — Section 18

**Citation :** (1998) 5 KarLJ 436

**Hon'ble Judges :** Kumar Rajaratnam, J

**Bench :** Single Bench

**Advocate :** Sri B. Veerappa, Government Pleader, for the Appellant; Sri C. Shivakumar, for the Respondent

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**Judgement**

1. I.A. No. III is for condonation of delay in bringing the legal representatives of the first respondent on record.

I.A. No. IV is for setting aside the abatement.

I.A. No. V is for bringing the legal heirs of the first respondent.

Heard both the sides.

LA. Nos. III, IV and V are allowed.

The petitioner is directed to amend the cause title.

2. The civil revision petition is taken up with the consent of parties.

3. Learned Counsel for the second and third respondents is also heard. He takes notice for the legal representatives of the first respondent.

4. The State is being aggrieved by an order passed by the learned Civil Judge at Chitradurga in Miscellaneous Case No. 57 of 1994, dated 10-4-1995 has referred this civil revision petition.

5. The brief facts are; The learned Civil Judge passed an award on reference u/s 18 of the Land Acquisition Act on 3-7-1982 in LAC No. 30 of 1980. By virtue of the amendment to the Land Acquisition Act No. 68 of 1984 certain additional benefits were available to the claimants with retrospective effect which those cases were pending on 30th of April, 1982. The respondents were entitled to solatium at 30% and the interest at 9% for one year and at 15% thereafter. This unfortunately was not made known to the learned Civil Judge. Without granting this benefit the learned Civil Judge passed a decree.

6. Aggrieved by the decree and coming to know that the claimants are entitled to the benefits under the Act No. 68 of 1984, the respondents erroneously sought to amend the decree. The learned Civil Judge amended the decree.

7. Admittedly, the learned Civil Judge had no authority to amend the decree and all that the learned Civil Judge could have done is to make some correction if there were some clerical or arithmetical error and nothing more. There was no power to the learned Civil Judge to amend the decree. It would have been open to the claimants to either file a review or an appeal. However in the facts and circumstances of the case it is submitted by the learned Counsel for the respondents that the respondents have already received accrued benefits under the amended Act No. 68 of 1984. It is also brought to my notice that one of the claimants is dead. In these circumstances while stating the law correctly no useful purpose will be served by allowing the civil revision petition. It is made clear once again that the learned Civil Judge had no authority or power under law to amend the decree u/s 151, CPC in material particulars.

8. Having stated the law correctly the civil revision petition is disposed of accordingly. No costs.