

APPR0A0112372022



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE (JUNIOR
DIVISION)::ONGOLE**

Present: **SMT.P.BHANU SAI**
Principal Civil Judge (Junior Division), Ongole

(Tuesday, this the 08th day of July 2025)

O.S.No.1221/2022

BETWEEN:

Metta Koti Reddy, S/o.late Venga Reddy,
Aged 65 years, R/o.Alluru village,
Kothapatnama Mandal, Prakasam District.

..... Plaintiff

AND

1. The District Collector, Ongole, Prakasam District
2. The Tahsildar, Kothapatnam Mandal, Prakasam District.
3. The Village Revenue Officer, Alluru village,
Kothapatnam Mandal, Prakasam District.

..... Defendants

*This Suit came up on 20.06.2025 for final hearing before me in the presence of Sri.K.Yogi Reddy, Learned Counsel for the Plaintiff and of the Defendants **remained set ex-parte**; upon hearing the arguments, upon considering the material available on record and the matter having been stood over for consideration till this day, the Court doth order and delivered the following:*

// J U D G M E N T //

1. This is a Suit filed by the Plaintiff against the Defendants for recovery of damages of **Rs.70,000/-** (Rupees Seventy Thousand only) and for costs of the suit, with the following averments:-

2. THE CASE OF THE PLAINTIFF IN BRIEF:-

2.1) The plaintiff is the absolute owner of the suit schedule property, he succeeded the same through oral partition in year 1989 and after partition

some disturbance arose in plaintiff's family, then plaintiff's brother filed OS No.255/2009 on the file Hon'ble Prl. Senior Civil Judge's Court, Ongole for declaration and permanent injunction, the same decreed in favour of the plaintiff on 31.01.2011 and his name was also mutated in Revenue Records, issued pattadar pass book and title deed in favour of the plaintiff and since then he is in peaceful possession and enjoyment of the suit schedule properties.

2.2) It is further contended that, at the time of oral partition, the parents of the plaintiff given Ac 1-50 cents in Sy.No.933/1 & 935/1&2. After death of their father in the year 2003, the plaintiff and his family members partitioned the said property i.e., Ac 1-50 cents in to '4' shares, the plaintiff and his brothers got Ac 0-75 cents (25 cents each), their mother got Ac 0-75 cents, this Ac 0-75 cents will be partitioned among the plaintiff and his brothers after her life time. Later, the plaintiff's mother had given Ac 0-75 cents in Sy.No.933/1 and 935/1 & 2 at the time of oral partition, the said Ac 0-75 cents will be partitioned among plaintiff and his brothers each have Ac 0-25 cents each covered in Sy.No.933/1.

2.3) It is further contended that the plaintiff regularly attending to the office of defendants for mutation of his name in online, to an extent of Ac 0-50 cents in Sy.No.906/1C & 1D, after lapse of long time, the 2nd defendant mutated to an extent of Ac 0-25 cents in the name of plaintiff, but with respect to the remaining extent of Ac 0-25 cents, the plaintiff got through oral partition, for that also the plaintiff regularly approaching to the office of the defendants, but they did not do so. The plaintiff requested the defendants for mutation of his name in online for remaining extent for number of times, but they are postponing the same from time to time without any reasonable cause. Then the plaintiff filed Writ Petition No.21780/2021 before the Hon'ble High Court of Andhra Pradesh, the same is allowed, but the defendants postponing the same and disobeyed the orders of Hon'ble High Court. The plaintiff got issued

legal notice to the defendants on 13.05.2022, having received the same, they had not given any reply. Hence, the Plaintiff was constrained to file the Suit for the above relief.

3. After receipt of notices, the defendants 1 to 3 called absent. No representation. Hence, D1 to D3 set ex-parte.

4. To support his version, the plaintiff's counsel filed his chief examination affidavit, which contains the contents of his plaint and the chief examination affidavit and prays to award the compensation relying on the decision in Salem Advocate Bar Association versus Union of India and State of A.P. versus Challa Ramakrishna Reddy and others in AIR 2000 SC 1923

5. Here it is the contention of the plaintiff's counsel in his arguments that, even after he had sent the legal notice to the defendants under Section 80 of CPC. But the defendants Nos.1, 2, 3 failed to give even reply which was proved under Exhibit A3/Acknowledgment. Thereby the plaintiff's counsel contended that as per the decision in **Salem Advocate Bar v. Union of India**, if the court finds that either the notice had not been replied or reply is evasive advantage and has been sent without proper application of mind, the court shall ordinarily award heavy costs against the government and direct it to take appropriate action against the concerned officer including the recovery of costs from him and also shall hold such officer responsible and recommend appropriate disciplinary action by the concerned authority.

6. Now the point for consideration is

whether the plaintiff is entitled for the damages of Rs.70,000/- as claimed in the suit against the defendant Nos.1, 2, 3 for not discharging their duties and for his mental agony and loss of his agriculture and coolie works?

7. POINT:

To prove the version of the plaintiff, the plaintiff himself got examined as PW1 and also marked Exhibits A1 to A3. Wherein it is the contention of the plaintiff that the schedule property is his absolute property. Himself and his brothers got this schedule property through oral partition which was happened in the year 1989 and after some time, disturbances arose in his family, then one of his brother filed OS No.255 of 2009 on the file of Hon'ble Principal Senior Civil Judge's Court, Ongole for declaration and permanent injunction and the said suit was decreed in his favour on 31.01.2011. Based on the decree and judgment, the previous revenue authorities issued Pattadar Pass Book, Title deed in favour of the brother of the plaintiff and also mutated his name in online with respect to some of his properties in the revenue records and since then he is in peaceful possession and enjoyment of the suit schedule properties as per the oral partition taken place in the year 1989 of his respective share.

8. PW1 also stated that, at the time of the oral partition his parents Metta Vengareddy and Subbamma were given Ac 1.50 cents in Survey No. 933/1 and 935/1 and 2. After the death of his father in the year 2003, himself and his brothers and his mother partitioned the above property into four shares. Wherein himself and his three brothers got Ac 0.25 cents each and their mother got AC 0.75 cents, this 0.75 cents will be partitioned among himself and his brothers after the lifetime of their mother according to the conditions of the oral partition in the year 1989 put by their father. The plaintiff also stated that his brother already shown his land in OS No.255 of 2009 as Item No.2 reflects in the decree and judgment as Ex.A9. As per the settlement among them, the mother's share i.e. Ac 0.75 cents will be partitioned among himself and his brothers each Ac 0.25 cents covered under Survey No.933/1, since then he is regularly attending to the office of the defendants for mutation of his name in online for an extent of Ac 0.50 cents in survey number.906/1C and

1D, after a lapse of long time the defendant No.2 mutated an extent of AC 0.25 cents in his name, but the remaining extent of Ac 0.25 cents got through oral partition not mutated on his name, for that also he regularly approaching to the office of the defendants but in vain. Thereafter the plaintiff requested the defendants so many times for mutation in his name in online for the remaining extent. But the defendants are postponing the same, without any reasonable cause, on that he filed Writ Petition No.21780/2021 before the Hon'ble High Court of Andhra Pradesh, Amaravathi. Where the defendants did not file any objections before the Hon'ble High Court of Andhra Pradesh for mutation of his name in the online.

9. It is the further contention of the plaintiff that, the Hon'ble High Court of Andhra Pradesh allowed the Writ petition and passed orders in his favour and after passing the orders of Hon'ble High Court of Andhra Pradesh he visited the defendant's office and shown the Xerox copy order also. Since on wards he visited the defendant's office several times for mutation of his name, but again the defendants are postponing the same by disobeying the orders of Hon'ble High Court of Andhra Pradesh even the order specifically revealing his right on the property. Then he got issued legal notice to the defendants on 13.05.2022 for the inaction of the defendants in mutation of his name in online but there is no response till the date of his filing the suit. On that he got mental agony and also got heavy loss and damage by not enjoying the fruits of the schemes of the government. Therefore, the defendants are officially as well as personally liable for the damages. Hence, he prayed the Hon'ble Court to please to pass decree and judgment by directing the defendants to pay Rs.70,000/- for not discharging their duties and for his mental agony and for the loss of his agricultural work and coolie works with subsequent interest from the date of filing of the suit until the realization and grant such other costs.

10. Here it is pertinent to say that Civil damages are monetary awards owed to a winning plaintiff by the losing defendant in a civil case tried in a court of

law. Further Civil damages are granted when a person is injured or suffers a loss that stems from the wrongful or negligent actions of another party.

11. To support his contention, the plaintiff himself examined as PW.1 and got marked Exhibit A1/Copy of Writ petition No. 21780/2021 passed by the Hon'ble High Court of Andhra Pradesh Amaravathi dated 29.09.2021, Exhibit A2 is Office copy of Legal notice issued to defendants 1 to 3 dated 13.05.2022 and Exhibit A3 are the acknowledgments '3' in number.

To discredit the evidence of Plaintiff, defendants 1 to 3 not appeared before this court and remained ex-parte. Thereby the evidence of PW1 and Exhibit A1 to A3 remains unchallenged.

12. The ground for the claiming of damages of the plaint is that he had got the property to an extent of AC 0.50 cents in Survey No.906/1C and 1D. In which the defendants got mutated his name to an extent of AC 0.25 cents only, but failed to mutate the remaining extent of AC 0.25 cents, where he got through oral partition. Here it is pertinent to mention that, as per the contention of the plaintiff the oral partition was taken place in the year 1989 with respect to the properties of the family of the plaintiff. The plaintiff himself stated that there is a disturbance arose in their family as that his brother filed OS No.255 of 2009 on the file of Hon'ble Principal Senior Civil Judge, Ongole for declaration and permanent injunction and the said suit was decreed in his favour on 31.01.2011. But admittedly, the plaintiff had not filed any such judgment to show that the survey No.906/1C and 1D comes to the absolute rights to the plaintiff herein.

13. Moreover, the plaintiff stated that after the death of his father in the year 2003, himself his brothers and his mother got partitioned the above property into four equal shares and thereafter as per the conditions of oral partition in the year 1989 put by their father. Admittedly, the plaintiff failed to whisper

about the conditions in the oral partition stated by his father during his lifetime. Further, the plaintiff stated that their mother had given Ac 0.75 cents in Survey No. 933/1 and 935/1 & 2, at the time of partition and again that Ac 0.75 cents will be partitioned among himself and his brothers each Ac 0.25 cents covering in survey number 933/1. Here it is the core point that, as per the version of the plaintiff he had stated about his rights in survey numbers 933/1 and 935/1&2 only, but in the entire pleadings as well as his chief examination affidavit he had not whispered about his acquisition of rights in Survey No.906/1C and 1D. Admittedly, the plaintiff had not whispered about the total extent of property in the survey numbers stated by him and to the extent of the rights in which survey numbers the plaintiff, his brothers and mother got partition the property.

14. Moreover, it is the contention of the plaintiff that he had approached the defendants for mutation of his name in online. But admittedly the plaintiff failed to file any proof of document about his approach before the defendants for mutation of his name in the online after the orders of Hon'ble High Court of Andhra Pradesh. The plaintiff got marked Exhibit A1 i.e the writ petition No.21780/2021 before the Hon'ble High Court of Andhra Pradesh, Amaravathi, and contented that even after the passing of the orders of Hon'ble High Court of Andhra Pradesh the defendants herein had not mutated his name and postponing the mutation by disobeying the orders of Hon'ble High Court of Andhra Pradesh, even the order specifically revealing his right on the property.

15. Admittedly, the plaintiff herein, after the knowing the failure of the directions of the Hon'ble High Court of Andhara Pradesh against defendants 1 to 3, whether he approached the Joint Collector for any relief as per the directions given by the Hon'ble High Court of A.P., that "recording the submissions of the learned counsel for petitioners and the learned Assistant Government Pleader for revenue, it would suffice to issue direction to the respondents to dispose of representation or application dated 04.01.2021 submitted by the petitioners within '4' weeks from the date of receipt of copy of

this order, if the said application or representation is in compliance of the mandatory requirement under the provisions of Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971 and rules framed therein". But the plaintiff herein failed to file any copy of proof that he approached the concerned revenue authorities for the mutation of his entries as per the Act envisaged in the order by the Hon'ble High Court of Andhra Pradesh. Though the plaintiff stated that he sustained loss of his agricultural work and coolie works due to not discharging the duties by the defendants. But admittedly he had not clearly envisaged in his plaint as well as chief examination affidavit that from which date exactly the oral partition was taken place and on which date the alleged possession of the property comes into his possession and what are the exact damages incurred by him due to not discharge of the duties of the defendants.

To support his contention, the plaintiff relied on the decision of the Hon'ble **Supreme Court of India in State of A.P. versus Challa Ramakrishna Reddy and others in AIR 2000 SC 1923**. wherein it was held that,

“ the need of the State to have ordinary powers cannot be doubted. But the conceptual change of statutory power being the statutory duty for sake of society and the people, the claim of a common man or ordinary citizen cannot be thrown out merely because it was done by an officer of the State even though it was against the law and negligence need of statute, the duty of its officials and right of citizens are required to be reconciled so that the rule of law in a welfare state is not shaken”.

16. In the above case, the Hon'ble Apex Court has decided the compensation aspects with respect to the death of a person and violation of the rights of an individual. But in the present case on hand, the plaintiff though claimed the right over the property alleged to be possessed by him. Admittedly he had not filed any proof to that partition and also not examine in whose

presence the oral partition was taken place to substantiate his version. Thereby the plaintiff version itself is doubtful.

The plaintiff had also relied on the decision of **Salem Advocate Bar Association, Tamil Nadu versus Union of India AIR 2005 SC 3355** wherein it was held that_

“If the court finds that either the notice had not been replied or reply is evasive advantage and has been sent without proper application of mind, the court shall ordinarily award heavy costs against the government and direct it to take appropriate action against the concerned officer including the recovery of costs from him and also shall hold such officer responsible and recommend appropriate disciplinary action by the concerned authority”, which has to be looked into.

17. It is well settled law, that a plaintiff has to prove his own case and cannot take advantage of the weakness of the defence and the failure of the defendants to establish their case would not enable the plaintiff to a decree in his favour. In **Balraj Taneja vs. Sunil Madan [(1999) 8 SCC 396]** the Hon'ble Apex Court held:

"29. As pointed out earlier, the court has not to act blindly upon the admission of a fact made by the defendant in his written statement nor should the court proceed to pass judgment blindly merely because a written statement has not been filed by the defendant traversing the facts set out by the plaintiff in the plaint filed in the court".

18. In a case, specially where a written statement has not been filed by the defendant, the court should be a little cautious in proceeding against the defendant, it must see to it that even if the facts set out in the plaint are treated to have been admitted, a judgment could possibly be passed in favour of the plaintiff without requiring him to prove any fact mentioned in the plaint. It is a matter of the court's satisfaction and, therefore, only on being satisfied that there is no fact which need be proved on account of deemed admission, the

court can conveniently pass a judgment against the defendant who has not filed the written statement. But if the plaint itself indicates that, there are disputed questions of fact involved in the case regarding which two different versions are set out in the plaint itself, it would not be safe for the court to pass a judgment without requiring the plaintiff to prove the facts so as to settle the factual controversy. Such a case would be covered by the expression the court may, in its discretion, require any such fact to be proved.

In Smt. Lado vs. Rajender Singh [2018(4) Law Herald 3111] the Hon'ble Punjab and Haryana High Court held:

"it is a settled position that the plaintiff has to prove his/her own case and stand on his/her own legs. Merely because the respondents were proceeded against ex-parte before the learned trial court cannot by itself be a ground to allow the plaintiff's suit", which is squarely applicable to the present set of facts.

19. The plaintiff may have suffered harm in terms of damages to personal property, physical injury, or the loss of support and opportunities where full restoration cannot be made. But when the plaintiff utterly fails to prove the action taken by him after passing of order by Hon'ble High Court of Andhra Pradesh against the defendants and details of actual loss sustained by him and grounds for calculation of damages for a tune of Rs 70,000/- is filed under such circumstances this court is not inclined to pass any damages as prayed by the Plaintiff. Accordingly, the suit is dismissed.

20. IN THE RESULT, the suit is dismissed without costs.

{{Typed on my personal laptop upon dictation through Adalat AI, corrected, signed and pronounced by me in the open Court, this the 08th day of July, 2025.}}

Sd/- P.Bhanu Sai
**PRINCIPAL CIVIL JUDGE
(JUNIOR DIVISION), ONGOLE**

APPENDIX OF EVIDENCE
WITNESS EXAMINED

FOR PLAINTIFF		FOR DEFENDANT	
PW:1	Metta Koti Reddy		

DOCUMENTS MARKED

FOR PLAINTIFF	
Ex.A1:	Certified copy of Order in Writ Petition No.21780/2021 on the file of Hon'ble High Court of A.P., Amaravathi dated 29.09.2021.
Ex.A2:	Office Copy of Legal Notices to D1 to D3 dated 13.05.2022.
Ex.A3:	Postal Acknowledgments '3' in number

FOR DEFENDANTS: Ex-parte

Sd/- P.Bhanu Sai
PRINCIPAL CIVIL JUDGE
(JUNIOR DIVISION), ONGOLE

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**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE (JUNIOR
DIVISION)::ONGOLE**

Present: **SMT.P.BHANU SAI**
Principal Civil Judge (Junior Division), Ongole

(Tuesday, this the 08th day of July 2025)

O.S.No.1221/2022

BETWEEN:

Metta Koti Reddy, S/o.late Venga Reddy,
Aged 65 years, R/o.Alluru village,
Kothapatnama Mandal, Prakasam District.

..... Plaintiff

AND

1. The District Collector, Ongole, Prakasam District
2. The Tahsildar, Kothapatnam Mandal, Prakasam District.
3. The Village Revenue Officer, Alluru village,
Kothapatnam Mandal, Prakasam District.

..... Defendants

This is a Suit filed by the Plaintiff against the Defendants for recovery of damages of **Rs.70,000/-** (Rupees Seventy Thousand only) and for costs of the suit

Plaint presented on: 02.09.2022 and Plaint filed on: 15.11.2022

Valuation of Court Fee:

For the purpose of Court Fee and Jurisdiction, the suit is valued at **Rs.70,000/-**, on which a Court Fee of **Rs.2,786/-** is paid Under Section 20 of APCF and SV Act.

CAUSE OF ACTION:

Cause of action for the suit arose on 13.05.2022 when the defendants violated the order of Writ petition No.21780/2021 and not responding the representation of plaintiff at Kothapatnam village and Mandal, within jurisdiction of this Court.

This Suit came up on **20.06.2025** for final hearing before me in the presence of **Sri.K.Yogi Reddy**, Learned Counsel for the Plaintiff and of the Defendants **remained set ex-parte**; upon hearing the arguments, upon considering the material available on record and the matter having been stood over for consideration till this day, this Court doth order and decree:-

1. that the suit be and the same is hereby DISMISSED;
2. that each party do bear their own costs.
(CM & FC not filed on either side)

Given under my hand and the seal of the Court, this the **08th day of July, 2025**.

Sd/- P.Bhanu Sai
PRINCIPAL CIVIL JUDGE
(JUNIOR DIVISION), ONGOLE

//TABLE OF COSTS//

(CM & FC not filed on either side)

Sd/- P.Bhanu Sai
PRINCIPAL CIVIL JUDGE
(JUNIOR DIVISION), ONGOLE

NOTE: *The exhibited documents and non-exhibited documents, which are marked, have to be taken back by the parties concerned within the stipulated time with an undertaking to produce the same as and when required by the Court.*