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SLP(C)No. 18630-18631 OF 2001
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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NOS.5632-5633 OF 2002@@
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(Arising out of S.L.P.(C) Nos.18630-18631/2001)

Sarojinamma ...Appellant(s)

versus

Government of A.P. & Ors. ...Respondent(s)

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Heard the learned counsel for the parties.
Leave is granted.
The High Court, in paragraph 16 of the order under challenge, has observed thus:

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> "16. Having regard to the fact situation and the pleadings of the parties we are not in a position to arrive at a conclusion as to whether the 5th respondent is a grantee from the State. In the petition she alleged that she had been in possession of the properties since 1974. If the said assertions are correct, the question of the 5th respondent acquiring any title by adverse possession does not arise."

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It is noted in the impugned judgment that the appellant has claimed adverse possession from the year 1974 whereas in paragraph 7 of the rejoinder filed by her in the Tribunal, she claimed adverse possession from the year 1946. As the case is remanded to the Tribunal, we leave it open to the Tribunal to decide this disputed question of fact also after hearing both the parties, without being

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influenced by the observations made by the High Court with regard to the commencement of the adverse possession noted in paragraph 16 of the impugned judgment.

The appeals are, accordingly, disposed of. There shall be no order as to costs.

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Signed order is placed on the file.