

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4100 of 2014

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Dated 27.02.2015
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Between:

D.Umashankar and 3 others

...Petitioners

and

Ramannagari Rajeshwar and 6 others

...Respondents

Counsel for the Petitioners: Mr.Yogesh Kumar Heroor

Counsel for respondent No.1: Mr.Jayanthi S.C.Sekhar

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 02.09.2014, in IA.No.854 of 2014 in OS.No.1074 of 2007, on the file of the Court of the learned III Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar.

By the above-mentioned order, the lower Court has allowed the application filed by the respondents for recalling DW.1 for cross-

examination on payment of costs of Rs.1000/-. The respondents have, accordingly, paid costs, which were received by a Counsel attached to the office of the Counsel for the petitioners.

The petitioners have, thereafter, filed IA(SR).No.5419 of 2014 seeking permission to refund the costs to the respondents on the ground that the same were inadvertently received by their junior counsel.

At the hearing, it has come out that IA(SR).No.5419 of 2014 has not been numbered so far and no order has yet been passed thereon.

In my opinion, the right of the petitioners to file a Civil Revision Petition questioning the order passed in IA.No.854 of 2014 depends upon the result of IA(SR).No.5419 of 2014, for if the lower Court holds that the Advocate, who has received the costs, was authorized to receive the same, the petitioners cannot be permitted to question the order in IA.No.854 of 2014. Therefore, it is not possible for adjudicating this Civil Revision Petition at this stage on merits. The petitioners are permitted to file a fresh Civil Revision Petition subject to the result of IA(SR).No.5419 of 2014.

Subject to the liberty given as above, this

Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, interim order, dated 23-01-2015, is vacated and CRPMP.No.5614 of 2014, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 27th February, 2015
LUR