

**HON'BLE SRI JUSTICE R.SUBHASH REDDY  
AND  
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA  
CIVIL MISCELLANEOUS APPEAL No.1008 of 2014**

**JUDGMENT :** (per Hon'ble Sri Justice R.Subhash Reddy)

Though the matter is listed in interlocutory stage, at request of both the learned counsel, the appeal itself is finally heard and being disposed of.

2. This Civil Miscellaneous Appeal is filed by the appellant/plaintiff aggrieved by the order dated 03.09.2014 in I.A.No.332 of 2014 in O.S.No.29 of 2006 passed by the Special Sessions Judge-cum-Additional District Judge, Nalgonda, dismissing the application filed by him under Order XL Rule 1, r/w. Section 151 of C.P.C., seeking to appoint a receiver to take into custody and manage the plaint schedule properties and all the properties, of which the Commissioner took inventory, as per the schedules of the said Commissioner report.

3. The appellant/plaintiff filed the aforesaid suit for partition and separate possession of the suit schedule properties in the year 2006. When the suit has ripen for arguments, the appellant/plaintiff has filed an application being I.A.No.332 of 2014 seeking to appoint a receiver to take into custody and manage the plaint schedule properties. The said application was resisted by respondent Nos.2 to 4/defendant Nos.2 to 4 by filing counter affidavit. The Court below, after considering the material on record, has dismissed the said application through the impugned order dated 3.9.2014,

mainly on the ground that there are no valid reasons for appointment of a receiver, that too when the suit of 2006 has ripen for arguments. Hence, the present appeal.

4. Having heard learned counsel for the parties, we have perused the impugned order and the material on record.

5. It is not in dispute that the suit is of the year 2006 and has ripened for arguments. At that stage, the present application is filed in the year 2014 for appointment of a receiver. In view of the reasons assigned by the Court below, we do not find any ground to interfere with the impugned order, at this stage.

6. In view of the above, we deem it appropriate to dispose of the Civil Miscellaneous Appeal with a direction to the Court below to dispose of the suit itself as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this judgment, provided both the parties cooperate for such disposal.

7. Subject to the above direction, the Civil Miscellaneous Appeal is disposed of. As a sequel, miscellaneous petitions pending, if any, in this appeal shall stand closed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

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JUSTICE A. SHANKAR NARAYANA

02.07.2015.

Msr

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Msr