

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

: PRESENT:

THE HON'BLE SRI JUSTICE: M. SATYANARAYANA MURTHY

RECEIVE & TRANSMIT PETITION No.80 of 2015

AND

RECEIVE & TRANSMIT CIVIL MISCELLANEOUS PETITION No. 85 OF
2015

Between:

1. Ravikanti Ramakrishna, S/o. Srinivas.
2. Ravikanti Srinivas, S/o. Narsaiah.
3. Ravikanti Radha, W/o. Srinivas.
4. Ravikanti Harim Krishna, S/o. Srinivas.

..Petitioners in R&TP No. 80 & R&TPMP No. 85 of 2015)

(Petitioners in

ARBITRATION O.P. (SR) No.

36759 of 2015 sought to be received

in the High Court, sought to be

presented to the District Judge,

Adilabad District at Adilabad)

AND

1. Banda Nageshwar Rao, S/o. Ramaswamy, Occ: Business, R/o. H. No. 12-726, Reddy Colony, Mancheria, Adilabad District.
2. Bairi Gangadhar, S/o. Shekaraiah, Occ: Business, R/o. Behind SBH Main Branch, Mancheria, Adilabad District.
3. M/s. Mangalya Laxmi Wedding Mall (earlier name M/s. Sri Kalakethan), represented by its Managing Partner Bairi Gangadhar, S/o. Shekaraiah, its Business Place H. No. 5-113 and 114, Market, Adilabad District

Respondents in R&TP No. 80 AND

R&TPMP No. 85 of 2015)

(Respondents in do)

R & T P.No. 80 of 2015

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Petition under Section 33 of the A.P. Civil Courts Act, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to receive and transmit the arbitration OP to the Hon`ble District Judge's Court at Adilabad;

R &TMP. NO. 85 OF 2015

Petition under Section 151 of C.P.C., praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to appoint an advocate Commissioner-cum-receiver to take the stock in trade in the respondent No. 3 business place into his custody and monitor the day to day

purchase and sale;

These petitions coming on for orders, upon perusing the petitions and the affidavits filed herein and upon hearing the arguments of Sri K. Venumadhav, Advocate for the Petitioner in all the petitions;

Contd..

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IT IS ORDERED AS FOLLOWS:

1. That the papers bearing ARBITRATION O.P. (Sr) No. 36759 of 2015 sought to be presented to the Court of the District Judge, Adilabad District, at Adilabad be received in the High Court;

2. The Court made the following ORDER:

“This petition is filed to appoint an advocate Commissioner-cum-receiver to take the stock in trade in the third respondent business during the pendency of the main petition.

The petitioners filed this application under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, ‘the Act of 1996’), in view of Clause 13 of Partnership Deed, to refer any dispute between the parties to arbitration.

This Court is competent to pass an interim direction under Section 9 of the Act of 1996, but here the relief claimed by the petitioner is for appointing of advocate Commissioner-cum-receiver. The Commissioner can be appointed under Order 26, whereas, receiver can be appointed under Section 40 of the Code of Civil Procedure. Circumstances where a commissioner or a receiver can be appointed are different. But one advocate cannot be appointed for both as commissioner-cum-receiver to take stock in trade in respondent 3 business, without issuing any notice, as it amounts to dispossessing the person in management of respondent No. 3 business.

Issue notice to the respondents”.

3. That the aforesaid papers bearing ARBITRATION O.P. (Sr) No. 36759 of 2015 sought to be presented to the Court of the District Judge, Adilabad District at Adilabad be transmitted to the said Court of the District Judge, Adilabad District at Adilabad.

ASSISTANT
REGISTRAR

// TRUE COPY //

FOR ASSISTANT

REGISTRAR

To

1. The District Judge, Adilabad District at Adilabad (BY RPAD with a copy of petitions and all the material papers of OP)
2. Banda Nageshwar Rao, S/o. Ramaswamy, Occ: Business, R/o. H. No. 12-726, Reddy Colony, Mancherial, Adilabad District.
3. Bairi Gangadhar, S/o. Shekaraiah, Occ: Business, R/o. Behind SBH Main Branch, Mancherial, Adilabad District.
4. M/s. Mangalya Laxmi Wedding Mall (earlier name M/s. Sri Kalakethan), represented by its Managing Partner Bairi Gangadhar, S/o. Shekaraiah, its Business Place H. No. 5-113 and 114, Market, Adilabad District. (ADDRESSEES 1 TO 3 BY RPAD)
5. One CC to Sri K. Venumadhav, Advocate (OPUC)
6. The Section Officer, Judicial Section, High Court of A.P., Hyderabad.
7. One spare copy

Ksv

HIGH COURT

Ksv

Date of drafting: 19-10-2015

MSMJ

DATE: 19-10-2015

ORDER

RTP NO. 80 OF 2015
AND
RTPMP NO. 85 OF 2015

NOTICE