

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3885 of 2015

ORDER :

This civil revision petition is filed by the judgment-debtor in the suit in O.S.No.1979 of 2012, aggrieved by order, dated 20.08.2015, passed by the learned II-Senior Civil Judge, City Civil Court, Hyderabad, in I.A.No.82 of 2015 in the said suit.

Respondents herein are plaintiffs in the suit in O.S.No.1979 of 2012, which is filed for eviction, recovery of arrears of rent and mesne profits. The said suit is decreed by judgment and decree, dated 04.12.2014, with costs, ordering eviction and payment of arrears of rent, and future mesne profits are granted from 01.10.2012 onwards, till delivery of vacant possession, but determination of quantum of mesne profits was postponed, permitting the plaintiffs to take necessary steps under Order 20 Rule 12 of CPC. In the present application in I.A.No.82 of 2015, respondents herein have sought for appointment of Advocate-Commissioner to ascertain the mesne profits. The said application is allowed by impugned order, appointing the Advocate-Commissioner.

In this civil revision petition, it is the case of petitioner that in view of the interim orders passed by the appellate Court in I.A.No.2458 of 2014 in A.S.No.348 of 2014, no petition could have been permitted for appointment of Advocate-Commissioner. I have perused the order passed in I.A.No.2458 of 2014, passed by the III-Additional Chief Judge, City Civil Court, Hyderabad. While granting interim order, the appellate Court itself has granted liberty to file separate application for mesne profits before the trial Court. In that view of the matter, it cannot be said that inspite of the orders passed by the appellate Court, the impugned order is passed, as it is open to

the petitioner herein to raise objections, if any, with regard to the quantum of mesne profits.

For the aforesaid reasons, I do not find any illegality in the impugned order appointing Advocate-Commissioner. This revision petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

9th October 2015

ajr