

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2421 of 2016

ORDER:

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Aggrieved by the orders passed by the XIV Additional Chief Judge, (Fast Track Court), Hyderabad, dated 28.03.2016 in I.A.No.515 of 2015 in O.S.No.496 of 2010, the present revision is preferred under Article 227 of the Constitution of India, challenging the appointment of an Advocate Commissioner for collection of information regarding rent being paid by the tenants in occupation and the deposits received from them by the revision petitioner.

The petition was resisted by the respondents before the trial Court on several grounds. The trial Court passed the impugned order appointing Advocate Commissioner Sri M.Mahalingappa, to note down the rental income derived from item No.1 of plaint A schedule property and the deposits, if any, collected from the tenants by fixing fee at Rs.10,000/- payable by the petitioners therein.

One of the contention before this Court is that the appointment of Advocate Commissioner to note down the rent being collected by the revision petitioner from the tenants in occupation is premature; that it is hit by Order XX Rule 12 clause 2 of C.P.C. and that it amounts to collection of evidence before passing a preliminary decree for protection of the schedule property.

Learned counsel for the respondents Sri Polavarapu Srinivas requested this Court, after advancing elaborate arguments in the revision, to record his concession for allowing this revision petition giving liberty to move an appropriate application for deposit of rents, enhancement of rent and all such other reliefs which he is legally

entitled.

In view of the concessions made by the learned counsel for the respondents Sri Polavarapu Srinivas Rao, the C.R.P. is allowed setting aside the order passed by the trial Court in I.A.515 OF 2015 in O.S.No.496 of 2010, dated 28.03.2016. Further, liberty is given to move appropriate application for appropriate relief which the petitioner is legally entitled before appropriate Court. No costs.

Miscellaneous Petitions pending, if any, shall also stand closed.

**JUSTICE M. SATYANARAYANA
MURTHY**

08.08.2016
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