

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1631 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Memo in I.A.No.794 of 2013 in O.S.No.07 of 2001 passed by IX Additional Chief Judge, City Civil Court at Hyderabad.

The petitioners before this Court filed a Memo and the same was dismissed by this Court declining to grant permission to examine the commissioner. Now the said order is under challenge in the present revision on various grounds.

The main petition i.e., I.A.No.794 of 2013 was filed under Order 20 Rule 18 CPC for passing final decree based on the preliminary decree appointing an Advocate Commissioner. But, it appears that the petitioners raised certain objections from the Commissioner Report and requested to permit them to adduce oral evidence. The trial Court, after recording reasons, dismissed the said Memo. But, as per the decision laid down in *Syed Yousuf Ali v. Mohammad Yousuf and others*¹, no judicial order can be passed on a Memo since it is an intimation and it is

¹ 2016(2) ALT 557

neither accepted under Code of Civil Procedure nor under Civil Rules of Practice. Hence, I find no error in the order passed by the trial Court rejecting the Memo. However, the petitioner is at liberty to move appropriate application, if advised, before the trial Court and this would not preclude the petitioner to file any other petition for examination of any witness.

With the above observation, this Civil Revision Petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.



M. SATYANARAYANA MURTHY, J

Date: 21-06-2017.
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