

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2420 of 2013

ORDER:

This Civil Revision Petition under Section 227 of the Constitution of India is filed challenging the Order dt.29.10.2012 in I.A.No.1124 of 2012 in I.A.No.1275 of 2011 in O.S.No.406 of 2011 passed by the Principal Junior Judge, Karimnagar whereby the petition filed under Order XXVI Rule 9 CPC to appoint advocate-commissioner was dismissed recording reasons.

According to the submission of Sri P.V. Narayana Rao, learned counsel for the petitioners that initially the suit was dismissed by the trial court on 13.11.2015 and the first appeal filed against the decree and judgment in A.S.No.81 of 2015 was allowed setting aside the dismissal order and aggrieved by the judgment in first appeal, the petitioners preferred the second appeal in S.A.No. 9 of 2017 which is pending before this Court. The learned counsel requested to list this petition along with the second appeal and the said petition was dismissed by the trial Court and the first appeal was decided on merits even without the aid of the advocate-commissioner. Thus, the suit filed by the petitioners was dismissed initially and decreed the suit in favour of the plaintiffs/respondents in appeals. Now the second appeal is pending, but the I.A. filed in original suit which ended in dismissal cannot be tagged to the second appeal as the

suit itself was disposed of. However, liberty is given to the petitioners to file an appropriate application in the second appeal.

Accordingly, the revision petition is dismissed as infructuous. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date:04-07-2017
Ccm



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