

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

C.M.A.No.855 of 2018

Date: 19.09.2018

Between:

Md.Imtiyaz Qureshi,
S/o.Late Dr.Md.Ahsan Qureshi,
Aged about 34 years,
R/o.21-2-408, First Floor,
Flat Nos.7 and 8
City Market Complex,
Lad Bazar, Opp. Chowk Circle Tower,
Hyderabad.

Appellant

And

Mohd.Ajaaz Habeeb Qureshi,
S/o.Late Dr.Md.Ahsan Qureshi,
Aged about 32 years,
Occ: Medical Practitioner,
R/o.21-2-408, Second Floor,
City Market Complex,
Lad Bazar, Opp. Chowk Circle Tower,
Hyderabad.

Respondent

Counsel for the Appellant : Ms. Naseeb Afshan

Counsel for the Respondent : Mr.Rajender Khanna

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The respondent in I.A.No.1551 of 2017 who is also the defendant in O.S.No.852 of 2017 on the file of the XXV Additional Chief Judge, City Civil Court, Hyderabad, filed this civil miscellaneous appeal, against order dated 04.06.2018, whereby, while declining the relief of appointment of Receiver claimed by the respondent, it has directed the appellant to maintain proper accounts regarding the rents and arrears thereof, from the tenants and deposit the amounts which he has collected, once in every six months till the disposal of the suit.

2. Ms.Naseeb Afshan, learned counsel for the appellant submitted that her client is aggrieved by the aforementioned order of the lower court, only to the extent of six monthly intervals for deposit of funds. She further submitted that her client is prepared to deposit the amounts once in every quarter, so that either party can seek permission of the court below, to withdraw their respective shares so deposited.

3. Mr.Rajender Khanna, learned counsel for the respondent while submitting that the appellant is not entitled to withdraw his share, however, fairly conceded as regards the request of the appellant to permit him to deposit the rents collected, once in every quarter.

4. As deposit of rents once in every quarter is advantageous to the respondent himself, we do not find any harm in modifying the order of the lower court by permitting the appellant to deposit the rents/arrears of rents collected by him, once in every quarter, instead of once in every six months, as directed by the lower court. As regards the permission to withdraw the amounts so deposited by the appellant, as the same is not the subject matter of the present civil miscellaneous appeal, the parties are relegated to the lower court for filing appropriate application.

5. Subject to this liberty given to the parties, the civil miscellaneous appeal is partly allowed, only to the extent of the modification made herein before.

6. As a sequel to the disposal of the C.M.A., I.A.No.1 of 2018 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 19th September, 2018

msb

