

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice T.Amarnath Goud

CMA.No.795 of 2018

Date: 25.10.2018

Between:

Mr.Mohd. Ajaaz Habeebg Qureshi

...

Appellant

and

Mr.Mohd Imtiaz Ahmed Qureshi

...

Respondent

Counsel for the Appellant : Mr.Rajender Khanna

Counsel for the respondent : Mrs.Naseeb Afshan

The Court made the following:



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

This Civil Miscellaneous Appeal (CMA) is filed against Order, dated 04-06-2018, in IA.No.1551 of 2017 in OS.No.852 of 2017, on the file of the XXV Additional Chief Judge, City Civil Court, Hyderabad.

We have heard Mr.Rajender Khanna, learned Counsel for the appellant, and Mrs.Naseeb Afshan, learned Counsel for the respondent.

The appellant filed the aforementioned suit *inter alia* for preliminary decree for partition and separate possession of his half share in the plaint schedule property. He has also filed IA.No.1551 of 2017 for appointment of an Advocate as receiver to collect the rents from the tenants and deposit the same in the Court. The said Application was substantially allowed by the lower Court by appointing the respondent himself instead of an Advocate as receiver. Feeling aggrieved by the said order to the extent of not appointing an Advocate-Commissioner, the appellant has filed this Appeal.

Admittedly, the suit schedule properties are in possession of the tenants. The appellant pleaded that he had been collecting the rents earlier and that with the interference of the respondent, he

could not continue to collect the rents. Therefore, he sought for appointment of a receiver. It is not the pleaded case of the appellant that the respondent has been suppressing and concealing the real rents. Therefore, it hardly makes any difference whether the respondent or a third party is appointed as a receiver. Indeed, in CMA.No.855 of 2018 filed by the respondent against the order, which is challenged in this Appeal, this Court, while confirming the said order, directed the respondent to deposit the rents once in every three months instead of six months as directed by the lower Court. In the above facts and circumstances of the case, we are of the opinion that no prejudice is caused to the interests of appellant by the appointment of the respondent as a receiver.

For the aforementioned reasons, the CMA is dismissed.

As a sequel to dismissal of the CMA, IA.No.1 of 2018, filed for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 25th October, 2018
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