

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE SRI JUSTICE A.VENKATESHWARA REDDY**

C.M.A. NO: 644 OF 2015

Appeal under Order 43 Rule 1 of CPC against the Order/ decree in IA No.3189 of 2015 in OS No.273/2014 dated 25/06/2015 on the file of the Court of the Principal Senior Civil Judge, Kothagudem, Khammam District.

Between:

1. Boga Suguna Bai, W/o. Late Rama Swamy,
2. Boga Venkateshwara Rao, S/o. Late Rama Swamy,
3. Boga Satyanarayana, S/o. Late Rama Swamy,
4. Boga Suresh, S/o. Late Rama Swamy,

...APPELLANTS/ RESPONDENTS/ DEFENDANTS

AND

Boga Shobha Rani, W/o. Katakam Krishna,

...RESPONDENT/ PETITIONER/ PLAINTIFF

For the Appellants : SRI N.A.JAIRAJ, Advocate

For the Respondent : SMT J.VIMALA, Advocate

The Court delivered the following: JUDGMENT

THE HONOURABLE SRI JUSTICE A. VENKATESHWARA REDDY

CMA NO.644 OF 2015

JUDGMENT:

No representation for the appellant.

2. Perused the record. Sri Chandra Shekar learned counsel appearing on behalf of Smt. J. Vimala for the respondent present. The original suit is pending since long time only for arguments. Verified the Case Status Information of OS No.273 of 2014 on the file of the learned Junior Civil Judge, Kothagudem, which shows that the matter is being adjourned only for arguments from 18.03.2021 and again from 18.02.2022 onwards. As per the Case Status Information, it is also noticed that earlier on 20.11.2019 and 03.12.2019 and again on 23.03.2020 the matter was reserved for judgment, thereafter, from 18.03.2021 onwards it was being adjourned only under the caption for arguments and for orders till 27.07.2021. Again from 18.02.2022, it is being adjourned under the caption for arguments and that being the Case Status Information, considering the representation on behalf of the respondents, presence or representation on behalf of appellants is felt essential.

3. This Civil Miscellaneous Appeal is filed by the defendants assailing the orders dated 25.06.2015 in I.A.No.318 of 2015 in OS No.273 of 2014 under XL Rule 1 CPC for appointment of Advocate Commissioner. The trial Court has appointed Sri J. Padmanabha Rao, advocate to take possession of the property to let out it and deposit the rents till the disposal of main suit. It is reported by the learned counsel for the respondent that the orders impugned were being implemented and that the learned advocate, who was appointed as receiver, taken over the possession of the schedule property and he is continuing to deposit the rents of the same in the Court.

4. Under these circumstances, presence or representation on behalf of appellants is felt essential. Therefore, considering the Case Status Information, which is at advanced stage, and only being adjourned for arguments and also considering the representation of learned counsel for respondents that order impugned is given effect and the learned advocate who was appointed as receiver has taken over the possession, let out the property, collecting the rents and depositing before the trial Court. I do not find any

reasons to adjourn the matter in the absence of proper representation for the appellants.

5. In the result, the Civil Miscellaneous Appeal is dismissed for default for non-prosecution. The learned Principal Senior Civil Judge, Kothagudem shall make every endeavour to dispose of the original suit within two months from the date of receipt of a copy of this order, as the suit is being adjourned only for arguments, as per the Case Status Information and as per the learned counsel for respondents. In the circumstances, there shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

Sd/-N.CHANDRASEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Principal Senior Civil Judge, Kothagudem.
2. One CC to Sri N.A.Jairaj, Advocate (OPUC)
3. One CC to Smt J.Vimala, Advocate (OPUC)
4. Two CD Copies
5. One Spare Copy

Kj.



HIGH COURT

DATED:21/04/2022



ORDER

CMA.No.644 of 2015

MACMA is dismissed for default for non-prosecution.

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MACMA
23/6/2022