

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

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C.R.P.Nos.4254, 4264, 4370 AND 4468 OF 2015

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COMMON ORDER:

These revision petitions are filed aggrieved by the orders, dated 07.08.2015, passed in I.A.Nos.570 to 573 of 2015 in R.A.Nos.218, 219 and 318 of 2010, and 142 of 2011 by the Chief Judge, City Small Causes Court, Hyderabad. As common issues arise for consideration on similar set of facts, these revision petitions are heard together and are disposed of by this common order.

Petitioners are tenants of the mulgis belonging to the respondent – Osmangunj Extension Co-operative Housing Society Limited. The respondent has filed petitions before the Principal Rent Controller, Hyderabad, for fixation of fair rents to the petition schedule properties. The Rent Controller, by order, dated 26.04.2010, fixed fair rents for the petition schedule properties. Aggrieved by the same, petitioners as well as the respondent have filed Rent Appeals. In the said appeals, petitioners have filed the present applications, under Order XLI Rule 27 read with Section 151 C.P.C., to examine one Kamal Narayan, Ex-Chairman and President of the respondent – Society, by summoning him as a witness in the appeals. The Court below, by impugned orders, dated 07.08.2015, dismissed such applications.

In these revision petitions, it is contended by the learned counsel for petitioners that the petitioners in fact have purchased the petition schedule properties and made substantial payments, but as the sale deeds are not yet executed, they filed Suits for specific performance of agreements of sale. It is further contended that the amounts paid by the petitioners are towards interest on the balance consideration amount payable to the respondent, but not towards rent as claimed

by the respondent.

The present applications are filed under Order XLI Rule 27 C.P.C.. From a perusal of the said provision, it is clear that the party to an appeal is not entitled to produce additional evidence, whether oral or documentary, in the appellate Court, unless he fits into any one of the exigencies enumerated in Sub-Rule 1 (a), (aa) and (b) thereof. The reasons stated in the affidavits filed in support of the I.As. does not fit into the said provision, so as to allow the petitioners to examine Sri Kamal Narayan. Further, with regard to the claim of purchase of petition schedule properties, it is a matter to be gone into in the Suits filed for specific performance of contracts, which are pending consideration. Hence, I do not find any merit in these revision petitions, so as to interfere with the impugned orders.

Accordingly, the revision petitions are dismissed. Miscellaneous Petitions, if any, pending in these revision petitions, shall stand closed. No costs.

R. SUBHASH REDDY, J

November 19, 2015

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