

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NOS. 2719, 2720 & 2764 OF 2009

COMMON ORDER:

These three Revisions are filed challenging the common order dated 20th March 2009 in I.A.Nos. 147, 148 & 149 of 2009 in R.C.No. 316 of 2003 of the Principal Rent Controller, Hyderabad.

Respondents herein had filed the said R.C seeking eviction of the petitioners from the RC schedule premises. Counter affidavit was filed by the petitioners opposing their eviction. Trial commenced and the case was posted for arguments.

At that stage, petitioners herein, on 3.2.2009, filed I.A.No. 149 of 2009 under Section 65 of Indian Evidence Act, 1872 to mark CC of an agreement of sale dated 21.8.1995 through RW-1 by way of secondary evidence; I.A.No. 147 of 2009 to recall RW-1 to mark the said document and I.A. No. 148 of 2009 to reopen the case to receive the document and mark it through RW-1.

By order dated 20th March 2009, the Court below rejected these three applications. It held that the respondents had filed eviction case in the year 2003; the document in question is of the year 1995 and there is no proper explanation by the petitioners as to why they kept quiet for eight years without filing it. It further held that the evidence on behalf of the petitioner was closed long back and when the matter was coming up for arguments, these applications are filed without any bonafides.

Heard Sri A. Kranthi Kumar Reddy, counsel for petitioners. Although notice was served on respondents, none appears. Notice sent to second respondent was returned 'un-claimed'. Therefore, he is deemed to be served.

Counsel for the petitioners contends that these orders are

unsustainable; that the original of the said agreement of sale is in the custody of the respondent; that a copy of it was marked in O.S.No. 307 of 1999 as an exhibit; a certified copy thereof was obtained and filed before the Rent Controller and it is sought to be marked as secondary evidence.

On the direction of this Court, a copy of the document dated 21.8.1995 was produced before this Court by the counsel for the petitioners. The said document reveals that the respondent is not a party to it at all. Suppressing the said document, this Civil Revision Petition is filed.

Since the document in question is not one to which the respondent is a party, it is difficult to believe that the original of the said document is in the custody of the respondent. Also the said document is said to have been executed on 22.8.1995 and for a period of 14 years, the same had not seen the light of the day. For the first time in the year 2009, it was produced. Therefore, I am of the opinion that the Court below had rightly refused to receive it in evidence and also to reopen the suit and mark it as an Exhibit.

I see no merit in these Civil Revision Petitions and accordingly, these Civil Revision Petitions are dismissed with costs of Rs. 500/- each.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand dismissed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08.06.2015

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