

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.1663 of 2009

ORDER :

This Revision is filed challenging the order dt.12.02.2009 in I.A.No.10 of 2009 in R.A.No.81 of 2006 on the file of the Additional Chief Judge, City Small Causes Court, Hyderabad.

2. Heard Sri C. Gunaranjan, counsel appearing for petitioner, and Sri M. Narayan Bung, counsel for respondent.
3. Both counsel do not dispute the fact that I.A.No.10 of 2009 was filed by petitioner to receive certain documents in the appeal as additional evidence invoking Order 41 Rule 27 CPC. But the court below has decided the said I.A. separately by dismissing it, instead of deciding it along with the Rent Appeal.
4. In **State of Rajasthan v. T.N. Sahini and others**, the Supreme Court has held that an application under Order 41 Rule 27 C.P.C. filed in an appeal seeking to adduce additional evidence, has to be decided along with the appeal, and cannot be decided independently before the appeal is decided.
5. The Court below has not kept in mind this legal principle. Therefore, the order dt.12.02.2009 in I.A.No.10 of 2009 in R.A.No.81 of 2006 on the file of the Additional Chief Judge, City Small Causes Court, Hyderabad is set aside; the said I.A. is restored to file of the said court and the it is directed to decide the I.A. along with R.A.No.81 of 2006 and not separately. Therefore, the Revision is allowed accordingly. No order as to

costs.

6. Since the appeal is of the year 2006, the court below is directed to dispose of the appeal as early as possible preferably within three (03) months from the date of receipt of a copy of this order.
7. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-06-2015

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