

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2388 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/landlords aggrieved by the order dated 08.06.2015 in I.A.No.70 of 2015 in R.C.No.172 of 2012 passed by the Principal Rent Controller-cum-XII Junior Civil Judge, Hyderabad, allowing the application filed by the respondents/tenants under Section 65 of the Indian Evidence Act, 1872 r/w. Section 151 of C.P.C., to permit them to mark the copies of challans as well as UCP (under certificate of posting) slips along with covering letters, under which the rents were deposited by them, for the period of January, 1998 to December, 2011, as secondary evidence.

2. The petitioners/landlords have filed R.C.No.172 2012 against the respondents/tenants on the ground of willful default from 1.1.1998 to December, 2011 seeking eviction of the subject premises under Section 10(2)(i) of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960. The respondents/tenants filed counter affidavit denying the said allegations. It is their case that when the petitioners/landlords have refused to receive

rent, they have deposited such rents in the III Additional Rent Controller, City Civil Court, Hyderabad, by way of challans and sent the same to the said Court under certificate of posting (UCP). To prove the same, earlier the respondents/tenants have filed I.A.Nos.243 and 244 of 2014 to call for the original challans as well as UCP slips along with covering letters for such credits in R.C.No.902 of 1988 on the file of III Additional Rent Controller, Hyderabad. The said applications were allowed. In spite of sending reminders to such Court, as the record was not sent, the respondents/tenants have filed the present application in I.A.No.70 of 2015 seeking permission to mark copies of challans as well as UCP slips along with covering letters under which the rents were deposited by them for the period of January, 1998 to December, 2011 as secondary evidence. The Rent Controller has allowed the said application through the impugned order dated 8.6.2015. Hence, the present civil revision petition.

3. Sri R.A. Achuthanand, learned counsel for the petitioners/landlords contents that there is a possibility to tamper such challans and UCP slips, in the absence of originals of the said documents placed on record, and hence the Rent Controller has wrongly allowed the said application in I.A.No.70 of 2015 permitting to mark copies of such documents as secondary evidence.

4. Having heard learned counsel for the petitioners/landlords, I have perused the impugned order and the material on record.

5. It is the specific case of the respondents/tenants that when the petitioners/landlords refused to receive rent, such rents were deposited by way of challans to the credit of R.C.No.902 of 1988 on the file of III Additional Rent Controller, Hyderabad, instead of depositing the same to the credit of R.C.No.902 of 1988 on the file of IV Additional Rent Controller, Hyderabad. The said factum of depositing rent to the credit of R.C.No.902 of 1988 on the file of III Additional Rent Controller, Hyderabad, is evident from the challans, which were sent under certificate of posting (UCP) slips. It is their further case that inspite of allowing I.A.Nos.243 and 244 of 2014 filed for production of such challans and UCP slips along with the covering letters, such records were not sent and in those circumstances, the respondents/tenants have filed the present application in I.A.No.70 of 2015 to permit them to mark copies of such challans as well as UCP slips along with covering letters, under which the rents were deposited, as secondary evidence, which was allowed by the Rent Controller through the impugned order dated 8.6.2015.

6. In view of the reasons assigned by the Rent

Controller that as the said documents play a crucial and vital role in deciding the controversies between the parties, by allowing the respondents/tenants to file Photostat copies of such documents and receiving the same as secondary evidence, no prejudice would be caused to the petitioners/landlords, this Court does not find any merit in this revision, warranting interference under Article 227 of the Constitution of India.

7. For the aforesaid reasons, this civil revision petition is devoid of merits and is accordingly dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
26.06.2015.
Msr

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