

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2332 of 2015

ORDER :

This Civil Revision Petition, under Section 22 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, is filed by the petitioner-Society aggrieved by the order dated 25.04.2015 in I.A.No.18 of 2015 in I.A.No.707 of 2014 in R.A.SR.No.4543 of 2014 passed by the Chief Judge, City Small Causes Court, Hyderabad, dismissing the application filed by the petitioner-Society under Order XIX Rule 2 r/w. Section 151 of C.P.C., seeking to direct the deponent in I.A.No.707 of 2014 in R.A.SR.No.4543 of 2014 to appear before the Court for the purpose of cross-examination.

2. The petitioner-Society has filed R.C.No.366 of 2008 on the file of I Additional Rent Controller, Hyderabad, seeking eviction of the respondents/tenants from the petition schedule property on the ground of default of rents, sub-tenancy, denial of title and for bonafide requirement of the premises. The said case was allowed by order dated 9.10.2013 and eviction was carried out. Challenging the said order, the 1st respondent herein, on certain false allegations and invented facts, has filed

appeal in R.A.SR.No.4543 of 2014 on the file of the Chief Judge, City Small Causes Court, Hyderabad, along with an application in I.A.No.707 of 2014 seeking to condone the delay in filing appeal. Aggrieved by the said false allegations, the petitioner-Society, which is the 1st respondent in I.A.No.707 of 2014, has filed an application being I.A.No.18 of 2015 under Order XIX Rule 2 r/w. Section 151 of C.P.C., seeking to direct the deponent in I.A.No.707 of 2014 in R.A.SR.No.4543 of 2014 to appear before the Court for the purpose of cross-examination. After considering the material on record, the lower appellate Court, has dismissed the said application through the impugned order dated 25.4.2015. Hence, the present civil revision petition.

3. Sri Mehdi Hussain, learned counsel for the petitioner-Society, submits that as the 1st respondent has made certain false allegations, the petitioner-Society has sought to summon her as provided under Order XIX Rule 2 of C.P.C. In support of the said contention, the learned counsel has placed reliance on a judgment of Madhya Pradesh High Court in the case of GULABCHAND JAIN AND OTHERS Vs. KHUSHAL CHAND AND OTEHRS^[1].

4. Having heard learned counsel for the petitioner-Society and perused the impugned order, I have closely

examined the provision under Order XIX Rule 2 of C.P.C.

5. From a careful reading of the said provision, it is clear that it is the discretionary power conferred on the Court to summon the deponent for the purpose of cross-examination. Even from the affidavit filed in support of the application in I.A.No.18 of 2015, this Court does not find any ground to summon the deponent in I.A.No.707 of 2014 i.e., the 1st respondent, for the purpose of cross-examination. In the absence of any valid reasons, this Court is of the view that the judgment relied on by the learned counsel in GULABCHAND JAIN's case (supra) would not render any assistance to the case of the petitioner-Society.

6. 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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