

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 3451 of 2015

DATED 18th November, 2015

BETWEEN

James

...Petitioner

And

D.Yadagiri

...Respondent

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 3451 of 2015

ORDER:

The petitioner herein is the respondent/tenant in RA.No.123 of 2014 on the file of the learned Chief Judge, City Small Causes Court, Hyderabad. The respondent herein, who is the land lord filed R.C.No.134 of 2012 on the file of the learned Principal Rent Controller, Secunderabad seeking eviction of the petitioner herein on the ground that the schedule property is required for his personal occupation as additional accommodation. The learned Rent Controller by order dated 27.09.2013 dismissed the application on the ground that the respondent herein/landlord failed to establish jural relationship of landlord and tenant between him and the petitioner herein. Challenging the same, the respondent herein preferred RA.No.123 of 2014, wherein the petitioner herein was set at ex

parte on 20.08.2014 and the matter was posted for *ex parte* evidence on 4.9.2014. When the application in IA.No.706 of 2014 was filed by the petitioner herein on 16.10.2014 for setting aside the *ex parte* order, the said application was dismissed on 27.3.2015 on the ground that the costs imposed by the lower appellate Court was not paid. Challenging the said order, the present Civil Revision Petition is filed.

The learned Counsel for the petitioner is unable to state the grounds on which the respondent/landlord filed the petition for eviction of the petitioner/tenant. He merely passed on the order dated 27.09.2013 passed in RC.No.134 of 2012. He stated that he is not concerned with RC.No.134 of 2012 or RA.No.123 of 2014, but he was entrusted to argue I.A.No.706 of 2014. When this Court asked to tell the reasons for his absence on 27.03.2015, the learned Counsel for the petitioner submitted that he went to Varanasi to attend the obsequies of his senior. The impugned interlocutory application was filed stating the grounds as follows:

“ 5. I further submit that recently I contacted our counsel and I was informed that we were set *ex parte* and this Honourable Court was pleased to post the matter on 4.9.2014 for the *ex parte* evidence of the applicant.

6. I further submit that our non appearance and non filing of counter on 20.08.2014 is neither willful nor wanton, but for the reasons stated above. Further submit that if the Honourvble Court does not set aside the *ex parte* order dated 20.08.2014 and permit us to file our counter we will be put to irreparable loss and damage which cannot be compensated by any means and terms.

7. I further submit that we have good and valid grounds to defend and succeed the case and if this petition is allowed no prejudice will be caused to the

respondents/appellant.”

A counter affidavit was filed by the respondent herein opposing the impugned interlocutory application.

Learned Counsel for the petitioner is unable to state the steps taken by him for noting down the date of adjournments after filing the petition. He merely stated that his client did not inform with regard to the date of hearing on 27.3.2015 and hence could attend on that date. If his client has been pursuing the matter, he (client) could have paid the costs and should have taken necessary steps in the matter. This negligent attitude of the petitioner cannot be encouraged or appreciated. In the circumstances, the order under revision passed by the Court below appears to be proper and need not be interfered with.

The Civil Revision Petition is dismissed. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 18th November, 2015.
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