

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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CIVIL REVISION PETITION No.4032 of 2015

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ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 07.08.2015 in I.A.No.74 of 2015 in R.C.No.154 of 2010 passed by the IV Additional Rent Controller, Hyderabad, dismissing the application filed by him seeking issuance of summons to one Mr. Thaheer Ahmed and the Assistant Accounts Officer of Electricity Department to give evidence on behalf of the petitioner.

2. It is the case of the petitioner that in view of the receipts produced by the respondent alleging that earlier rents were paid to Mr. Thaheer Ahmed, who represented the petitioner's vendor, namely Mr. Abdul Lateef, it is necessary to issue summons to the said Thaheer Ahmed for giving evidence. It is also the case of the petitioner that during the period from 2003-2006, there was no electricity supply to the petition schedule premises as the respondent ceased to occupy the petition schedule premises and, as such, summoning of the Assistant Accounts Officer of the Electricity Department is also necessary to give evidence as to the disconnection of power supply during the said period.

3. Heard learned counsel for the petitioner and perused the material on record.

4 . It is to be noticed that if the said Thaheer Ahmed is not an authorized person to receive rents on behalf of Mr. Abdul Lateef, who is the vendor of the petitioner, it is for the respondent to prove that he is not a willful defaulter and the rents were paid to the owner of the property or his representative. Even with regard to summoning of the Assistant Accounts Officer of the Electricity Department also,

the petitioner can obtain certified copies of the electricity bills to prove that there is disconnection of power supply during the period from 2003-2006. Therefore, summoning of the Assistant Accounts Officer of the Electricity Department is also not necessary.

5. In view of the reasons assigned by the Court below, I do not find any illegality in the impugned order, warranting interference by this Court under Article 227 of the Constitution of India.

6. Accordingly, this civil revision petition is dismissed, at the stage of admission. However, these observations are confined to interlocutory application only and the eviction petition shall be decided by the Court below independently. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

01.10.2015.

Msr

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