

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Civil Revision Petition Nos.4070 & 4075 of 2015

COMMON ORDER:

These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed by the plaintiff in O.S.No.375 of 2010 on the file of the Chief Judge, City Civil Court, Hyderabad, aggrieved by the common order dated 17.08.2015 passed in I.A.Nos.3656, 3657 and 3658 of 2013, as such, they are heard together and disposed of by this common order.

The aforesaid interim orders were passed on the I.As., filed by the 1st respondent herein to recall D.W.1 and seeking leave to file documents by condoning the delay in filing the same. I.A.No.3656 of 2013 is allowed and evidence of D.W.1 is reopened for marking documents. I.A.No.3657 of 2013 is allowed and D.W.1 is recalled to confront with the documents and I.A.No.3658 of 2013 was partly allowed permitting filing of original counterfoils subject to proof, admissibility and relevancy.

Heard Sri Muralinarayan Bung, learned counsel for the petitioner and Sri Suresh Shiv Sagar, learned counsel for respondent No.1 and perused the material on record.

It is contended by the learned counsel for the petitioner that the aforesaid I.As., are filed to fill up lacunae in the evidence as much as the evidence of D.W.4 is eschewed and the same are allowed without assigning valid reasons.

It is the case of the 1st respondent-defendant that he has entered into lease deed dated 30.07.2008 with the 2nd respondent which is already marked as Ex.B.4 and the 2nd respondent is paying rents by obtaining rental receipts. The 2nd respondent had appeared and was partly cross-examined and thereafter as he failed to produce himself for cross-examination, as such, his evidence was eschewed. When it is the case of the 1st respondent that there are counterfoils of the

receipts, they will be with the 1st respondent only. Though it is contended by the learned counsel for the petitioner that counterfoils are secondary evidence, but the same cannot be accepted at this stage and further I.A.No.3658 of 2015 is allowed subject to proof, admissibility and relevancy. Hence, I am of the view that there is no illegality in the impugned common order passed by the learned Chief Judge, City Civil Court, Hyderabad, in the I.As., and allowing of the said I.As., will not prejudice the case of the petitioner.

For the aforesaid reasons, the Civil Revision Petitions are devoid of merits and are accordingly dismissed at the stage of admission.

As a sequel, miscellaneous petitions if any pending in the Civil Revision Petitions stand closed.

R. SUBHASH REDDY, J

29th September, 2015

MRR

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Civil Revision Petition Nos.3778 & 3827 of 2015

Between:

Sher Yar Khan ...Petitioner

and

Fazalunnisa Begum and others ... Respondents

Date of order pronounced: 18th September, 2015

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HON'BLE SRI JUSTICE R. SUBHASH REDDY _____

1. Whether Reporters of Local newspapers :

may be allowed to see the order?

2. Whether the copies of order may be :

marked to Law Reporters/Journals?

3. Whether His Lordship wishes to :

see the fair copy of the order?