

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2077 of 2015

ORDER: *(Per Hon'ble Sri Justice R. Subhash Reddy)*

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order dated 25.02.2015 in I.A.No.242 of 2014 in R.C.No.306 of 2012 passed by the IV Additional Rent Controller, Hyderabad, whereby the application filed by the petitioner/respondent to strike off the contents extracted as '(i) to (vi)' at page No.4 of the petition in R.C.No.306 of 2012, was dismissed.

The revision petitioner and the respondent herein are the tenant and landlord of the petition schedule property respectively. The aforesaid R.C. is filed for eviction of the petitioner from the petition schedule property. The petitioner filed the I.A. alleging that the contents extracted as '(i) to (vi)' at page No.4 of the petition in the R.C., are the statements made by him as PW.1 during the cross-examination in another case in R.C.No.323 of 2010 and that they cannot be made part of the pleadings of the present R.C, as the same is contrary to the provisions of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960. He therefore prayed to strike off such extracted portion. After consideration of the matter in detail, the trial Court dismissed the I.A., by the impugned order dated 25.02.2015.

Heard the learned counsel and perused the material available on record.

A perusal of the impugned order discloses that the trial Court has dismissed the I.A mainly for the reasons that the grounds for striking off some portion of the pleadings in the petition in R.C., are not specifically put forth in the affidavit appended to the interlocutory application and that the narration of evidence sought to be struck off through the I.A., does not satisfy the ingredients of Order VI Rule 16 of CPC, as per which the pleadings on specific matters stated therein can be struck off. Even this Court observed that except stating that the narration of the evidence extracted in the petition in R.C would cause prejudice to the interests of the tenant, no specific ground as per the provisions of Order VI Rule 16 of CPC is raised by the tenant. Therefore, I do not find any ground to interfere with the impugned order.

The revision is accordingly dismissed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R.SUBHASH

REDDY

19th June, 2015

v v