

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1907 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/respondent No.1 aggrieved by the docket order dated 16.04.2015 in I.A.No.71 of 2015 in R.C.C.No.250 of 2010 passed by the Principal Rent Controller-cum-XII Junior Civil Judge, Hyderabad, dismissing the application filed by her under Section 151 of C.P.C., seeking to re-open the evidence of the petitioner/respondent No.1 in the main R.C.C., by setting aside the order dated 30.3.2015.

2. The petitioner/respondent No.1 has filed I.A.No.71 of 2015 to re-open her evidence in R.C.C.No.250 of 2010 filed by the 1st respondent/petitioner by setting aside the order dated 30.3.2015. Initially, the said application was disposed of by order dated 8.4.2015, subject to certain conditions, the operative portion of which reads as under:

“Perused the petition. Hence, the petition is allowed subject to the condition that the petitioner is hereby directed to adduce further evidence on the aspect of additional counter and also filed additional examination in chief and also get ready to face for cross-examination by the respondent/petitioner on the next date of adjournment. If the petitioner has not complied the condition, the petition shall stand dismissed.”

3. Pursuant to the said order, when the matter was posted on 16.4.2015, the Court below has passed the impugned docket order dated 16.4.2015, dismissing the application filed by the petitioner/respondent No.1. Hence, the present civil revision petition.

4. Having heard learned counsel for the parties, I have perused the docket orders dated 8.4.2015 and 16.4.2015, including the material on record.

5. From a perusal of the docket order dated 8.4.2015, it is clear that the Court below has disposed of I.A.No.71 of 2015, directing the petitioner/respondent No.1 to adduce further evidence on the aspect of additional counter and to file additional examination-in-chief and also directed to get ready for cross-examination by the 1st respondent/petitioner on the next date of adjournment, failing which the application should remain dismissed.

6. When once I.A.No.71 of 2015 is already disposed of on 8.4.2015 with certain directions, the question of dismissing the very same application again does not arise. The impugned docket order dated 16.4.2015 appears to have been passed by the Court unmindful of the disposal of I.A. earlier, by order dated 8.4.2015.

7. In view of the above, the impugned docket order

dated 16.4.2015 is set aside. The petitioner/respondent No.1 is permitted to lead evidence as per the conditions imposed by the Court below vide order dated 8.4.2015, within a period of three weeks from today. Thereafter, it is open to the Court below to proceed with the matter in accordance with law.

8. Subject to the above directions, this civil revision petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
19.06.2015.
Msr

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