

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.5206 OF 2015

ORDER:

The revision petitioners 2 to 8, who are no other than legal representatives being the son and seven married daughters of the revision petitioner No.1, who maintained the revision against the respondent—tenant, impugning the order passed on 04.09.2015 in R.A. No.146 of 2014 by the Additional Chief Judge, City Small Causes Court, Hyderabad reversing the judgment passed by the learned III Additional Rent Controller, Hyderabad dated 07.05.2015 in R.C. No.445 of 2010 ordering eviction of the tenant for the requirement under Section 10 of A.P Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short 'the Act') for additional accommodation saying the leasehold premises also required as his son was to be married and his son wants to settle at Hyderabad by resigning his job at Bangalore.

2) Pending the revision, the landlord filed additional evidence application under Order VII Rule 14 (3) C.P.C instead of the correct provision under Order XLI Rule 27 read with Section 151 C.P.C in C.R.P. M.P. No.4834 of 2016 to receive the additional documents including to say that his son is residing at Hyderabad after his marriage, having resigned the job and relieved from Bangalore; viz., the Aadhar Card, birth certificate of the child in the wedlock of son and daughter-in-law; to demonstrate the bonafide requirement of

the premises as sought in the RC No.445 of 2010, though the original landlord died, his son, daughter in law and grand son now requires. A perusal of the additional evidence show these are the subsequent events after filing of the R.C. No.445 of 2010.

3) Having regard to the above by taking note of the same, which is with no deviation to the pleadings and evidence in the rent control case and to substantiate the claim, evidence on the documents since claimed necessary, this Court feels just to receive the documents, however to consider the same as additional evidence is required to be let in with right of cross examination to support the contention of the additional accommodation is no way required, the matter since requires remand and as requested by both sides for effective adjudication without giving more life to the litigation, by allowing the C.R.P.M.P. No.4834 of 2016 and the C.R.P. No.5206 of 2015, the judgment in R.A. No.146 of 2014 is set-aside and the matter is remanded to the Additional Chief Judge, City Small Causes Court, Hyderabad with a direction to give opportunity to adduce any further evidence by both sides and to give fresh disposal of the appeal therefrom on own merits, within six months from today. No order as to costs.

4) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.08.08.2016
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