

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.848 OF 2016

ORDER:

Heard Sri Pratap Narayan Sanghi, Learned Counsel for the petitioner and Sri M.A.K. Mukheed, Learned Counsel for the respondent and, with their consent, the Civil Revision Petition is disposed of at the stage of admission.

This revision under Section 22 of the A.P. Buildings (Lease, Rent and Eviction Control) Act, 1960 is preferred against the order passed by Court below, on 25.01.2016, dismissing E.A. No.11 of 2015.

The application in E.A. No.11 of 2015 was filed, under Order 18 Rule 17 CPC, requesting the Court below to permit the petitioner to cross-examine R.W-1 in E.A. No.36 of 2012 in E.P. No.28 of 2012, after recalling him. In the order under revision, the Court below examined the matter in detail and found the petitioner and his Counsel negligent in cross-examining R.W-1. On the ground that the E.P. was of the year 2012, and the matter has been coming up ever since, the Court below rejected the application filed to recall R.W-1 and to cross-examine him.

Sri Pratap Narayan Sanghi, Learned Counsel for the petitioner, while fairly stating that the petitioner and his Counsel could have been more vigilant, would request this Court to grant one final opportunity to the petitioner herein to cross-examine R.W-1 on such terms as this Court considers fit. Sri M.A.K. Mukheed, Learned Counsel for the respondent, while draw attention of the Court to the elaborate reasons furnished by the Learned I Additional Rent Controller, Hyderabad in the order under revision, would submit that any indulgence which this Court may show to the petitioner would be misplaced considering the fact the petitioner has failed to avail the numerous opportunities given, by the Court below, to him earlier.

As the petitioner is stated to have suffered a heart-attack, and to have undergone treatment, I consider it appropriate to give him one final opportunity to cross-examine R.W-1 on condition that the petitioner herein pays costs of Rs.5,000/- (Rupees five thousand only) to the 2nd respondent

herein, and produces proof of such payment before the Court below, within two weeks from today. Thereafter, the Court below shall fix a date for R.W-1 to be present, and to make himself available for cross-examination by the petitioner herein. If, on the date so fixed by the Court, the petitioner does not cross-examine R.W-1, their right to cross examine R.W-1 shall stand forfeited, and the Court below shall proceed and decide the E.P. in accordance with law thereafter.

The Civil Revision Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand closed. No costs.

RAMESH RANGANATHAN, J

Date: 08.07.2016.

Note: Issue copy by 18.07.2016

B/o
MRKR