

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA
MURTHY**

CIVIL REVISION PETITION No.3476 OF 2016

-

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the order dated 05.05.2016 passed in I.A.No.49 of 2016 in R.C.No.27 of 2010, on the file of III Additional Rent Controller, City Small Causes Court, Hyderabad, whereby the Rent Controller dismissed the petition filed for reopening the Rent Control Petition to advance argument.

2. It is the case of the petitioner that when the matter was posted for argument, the petitioner could not advance argument and immediately the Rent Controller reserved the matter for judgment and immediately filed the present petition on 12.04.2016, requesting the Rent Controller to afford an opportunity to advance argument by the learned counsel for the petitioner to do complete justice. But the Rent Controller instead of affording an opportunity to the petitioner's counsel to advance argument, making an observation that the learned counsel promised to argue the matter in the main case on that day itself on allowing this application but the Rent Controller found no bonafides and dismissed the petition.

3. The learned counsel for the petitioner served notice on the 1st respondent, who is petitioner in R.C.C. but none appeared.

4. It is brought to the notice of this Court during hearing by Sri A.Venkatesh, learned counsel for the petitioner that the orders in Rent Control Petition is not yet pronounced and it is still pending with the Rent Controller, reserving the judgment/order.

5. Taking into consideration of the reason assigned by the petitioner, affording an opportunity to the petitioner would serve purpose in the matter to decide the real controversy between the parties and to do complete justice to both parties. Therefore, taking into consideration of the stage of Rent Control Petition, I find that it is a fit case to afford an opportunity to advance argument of the petitioner herein by fixing a date for hearing before the Rent Controller and in the event the petitioner counsel failed to advance argument on the date fixed by the Rent Controller, the Rent Controller can decide the matter without extending further time and decide the matter, in accordance with law.

6. In the result, this Civil Revision Petition is allowed directing the Rent Controller to fix a date for advancing argument by the learned counsel for the petitioner in the Rent Control Petition, which is reserved for judgment by

reopening and in the event the petitioner counsel did not advance argument on the day fixed for advancing argument, the Rent Controller shall proceed further and pronounce judgment or order in the Rent Control Petition, if judgment or order is not yet pronounced.

7. With the above directions, this Civil Revision Petition is disposed of. No costs.

8. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 31.08.2016

Note:

Issue C.C. by 01.09.2016

B/o.

pab