

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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CIVIL REVISION PETITION No. 716 of 2016

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ORDER:

Order dated 08.09.2015 in I.A.No.317/2015 in R.C.C.No.63/2013 on the file of the Rent Controller and the IV Additional Junior Civil Judge, Vijayawada, is challenged.

2. The revision petitioner herein is the tenant in the premises of the respondent-landlord. The respondent filed a rent control case against the revision petitioner in R.C.C.No.63 of 2013 seeking his eviction and the case was posted for arguments. At that stage, the revision petitioner filed I.A.No.317 of 2015 under Order XVI Rule 7 and Section 151 of the Code of Civil Procedure, seeking to call for the entire record under Dis.No.6731/1997 dated 15.11.1997 sent by the High Court to the District Court, Machilipatnam. The trial Court dismissed the application. Hence, this revision.

3. A perusal of the impugned order would disclose that in the affidavit filed in support of I.A.No.317 of 2015, the revision petitioner-tenant has averred that the respondent-landlord was examined as PW1 in the RCC and that the revision petitioner filed his counter in the RCC and that he mentioned about the documents that are available with the landlord-PW1 and those documents are very much

necessary for adjudication of the matter and those documents are old documents of the years 1975 to 2006 and if the respondent landlord files those documents, the revision petitioner would succeed in the RCC, but the respondent landlord has not filed all those documents, except filing two documents viz., decree and judgment in O.S.Nos.70/1976 and 170/1975 and A.S.Nos.2406/1985 and 1202/1982, and that the respondent-landlord has not filed other documents referred in O.S.Nos.70/1976 and 170/1975 and CRP No.2110/1986 and those documents are also very much available with the respondent-landlord and hence the entire record sent by the Hon'ble High Court under Dis.No.6731/1997 dated 15.11.1997 to District Court, Machilipatnam, has to be called for to prove his case.

4. A perusal of the impugned order would show that the revision petitioner has not specifically described as to what are those documents that are required to be called for and what is the relevancy of those documents and how those documents would aid him in proving his contentions in a case of eviction filed by the respondent-landlord. In the absence of sufficient reason forthcoming from the revision petitioner-tenant for calling the entire record, I do not see any illegality or infirmity in the impugned order, and hence the impugned order doesn't warrant interference by way of revision under Article 227 of the Constitution of India.

5. The civil revision petition is, accordingly, dismissed.

No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. CHANDRAIAH

04th March, 2016
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