

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P. No.4792 of 2016

O R D E R:

This Revision is filed challenging the order dt.16.09.2016 in I.A.No.841 of 2016 in R.C.C.No.8 of 2009 of the Rent Controller-cum-Principal Junior Civil Judge, Tadepalligudem.

2. Respondent filed the above RCC for eviction of the petitioner, who is his tenant.

3. On the ground that the petitioner's witness, RW3, did not turn up for continuation of chief and for cross-examination on 15.06.2016 and 16.06.2016, the evidence of RW3 was eschewed and the matter was posted to 20.06.2016 for further evidence of the petitioner. There was no representation on behalf of the petitioner on that date as well as on 21.06.2016 and so the evidence of the petitioner was closed and the matter was posted for arguments.

4. Thereafter, written arguments were filed by the respondent/landlord.

5. On 27.07.2016, I.A.No.841 of 2016 was filed by the petitioner stating that the matter had been posted for arguments by closing the evidence of RW3 and there was no willful negligence on the petitioner's part and sought to

reopen the evidence of the petitioner for cross-examination of RW3.

6. This application was opposed by the respondent.

7. By order dt.16.09.2016 the Court below dismissed the application. It recorded that the RCC is of the year 2009 and that the matter had underwent several adjournments for completion of further evidence on petitioner's side, but the petitioner has not availed the opportunities given by the Court and after the matter was posted for arguments of the respondent, this application has been filed without giving any valid reason. It held that the application is filed only to drag on the proceedings.

8. Though counsel for the petitioner sought to refute the above grounds stated by the Court below, I am of the opinion that the petitioner had been negligent in not proceeding with the cross-examination of RW3 on 15.06.2016 and 16.06.2016 even though opportunity had been given by the Court.

9. Therefore, the Court was justified in eschewing the evidence of RW3 and posting the matter on 20.06.2016 for further evidence on the petitioner's side and on that day, as well as on 21.06.2016, petitioner did not appear and the Court rightly closed his evidence and posted the matter for arguments.

10. Since the above conduct of the petitioner shows that he has been negligent and has not cooperated with the Court below, there is no error of jurisdiction committed by the Court below in dismissing I.A.No.841 of 2016.

11. Therefore, this Civil Revision Petition is dismissed at the admission stage. There shall be no order as to costs.

12. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

25th November, 2016
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