

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No.119 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, by the unsuccessful petitioner-respondent in R.C.No.90 of 2014, is directed against the order, dated 13.11.2015, of the learned II Additional Rent Controller, Hyderabad, passed in I.A.No.172 of 2015 in the afore-stated R.C., filed under Order XVIII Rule 17 of the Code of Civil Procedure, 1908, for recalling PW1 for further cross-examination by the petitioner herein.

2. I have heard the submissions of Sri U. Ramanjaneyulu, learned counsel appearing for the Revision petitioner-respondent/tenant. I have perused the material record. I have also heard the submissions of the learned counsel for respondent herein/petitioner-landlord in the rent case.

3. In a rent case for eviction, the afore-stated interlocutory application was filed by the respondent-tenant for recalling PW1 for further cross-examination and for the purpose of confronting certain documents and posing some essential questions to substantiate the defence of the respondent/tenant in the rent case. The said application was resisted by the petitioner-landlord *inter alia* stating that five adjournments were already granted for completing the cross-examination of PW1 and that the cross-examination of PW1 was completed on 05.08.2015 and that the instant application for recalling PW1 was belatedly filed and that, therefore, the respondent-tenant is not entitled to recall and further cross-examine PW1. The learned Rent Controller dismissed the petition mainly on the ground that the questions to be posed to PW1 on his recall are not stated in the affidavit and that no

grounds are made out for according permission to further cross-examine PW1.

4. At the hearing, learned counsel for the petitioner, while reiterating the case of the respondent-tenant, requested to accord an opportunity to the respondent/tenant cross-examine PW1 *inter alia* stating that the observation of the trial Court that the questions to be posed to PW1 in his further cross examination after his recall are not disclosed is erroneous as the insistence on disclosing the questions to be posed to PW1 even before he is recalled would frustrate the purpose of recalling him for cross-examination.

5. Learned counsel for the landlord would submit that the revision petitioner herein/tenant is dragging on the matter since a long time and that in case this Court is inclined to grant him an opportunity, the learned Rent Controller may be directed to dispose of the rent case, as expeditiously as possible, by fixing a time frame.

6. Having regard to the facts and submissions, the Civil Revision Petition is allowed and the impugned order, dated 13.11.2015, in I.A.No.172 of 2015 in R.C.No.90 of 2014 is set aside and as a sequel, the said I.A. is allowed and PW1 is recalled for further cross-examination, subject to the condition that the petitioner herein shall cross-examine PW1 without fail on the date fixed by the learned Rent Controller for the said purpose on receipt of a copy of this order by the learned Rent Controller. Considering the request of the landlord-petitioner in the R.C., the learned Rent Controller is directed to endeavour to dispose of the Rent case, as expeditiously as possible and preferably within a period of two (02) months from the date of conclusion of the cross-examination of PW1. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision
Petition shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 6th October, 2017

Note: copy by 23.10.2017
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