

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION Nos.1204 and 1207 of 2017

COMMON ORDER:

CRP No.1207 of 2017 is, under Article 227 of the Constitution of India, challenging the order dated 19.1.2017 dismissing I.A. No.190 of 2016 in R.C. No.37 of 2016 on the file of the Additional Rent Controller at Secunderabad filed for reopening the matter for the purpose of cross-examination of P.W.1.

2. CRP No.1204 of 2017 is, under Article 227 of the Constitution of India, challenging the order dated 19.1.2017 dismissing I.A. No.189 of 2016 in R.C. No.37 of 2016 on the file of the Additional Rent Controller at Secunderabad filed for recalling P.W.1 for the purpose of cross-examination.

3. Since the impugned orders arose out of one R.C., and the parties to the civil revision petitions are one and the same, this court is inclined to dispose of these civil revision petitions by this common order.

4. Heard the learned counsel for the petitioner and learned counsel for the respondent.

5. A perusal of the record reveals that respondent filed R.C. No.37 of 2016 under Sections 10(2)(ii)(a) and 10(3)(a)(iii)(b) of A.P. Buildings (Leave, Rent & Eviction) Control Act, for eviction of the petitioner from the petition schedule property on the ground of personal requirement. At the stage of arguments, the petitioner filed I.A. No.189 of 2016 under Order XVIII Rule 17 of CPC to recall P.W.1 for the purpose of cross-examination. He also filed I.A.

No.190 of 2016 under Section 151 of CPC to reopen the matter for the purpose of cross-examination of P.W.1 with regard to the documents newly filed by the respondent. By the separate impugned orders dated 19.1.2017, the trial court dismissed the I.As holding that I.As are filed only to drag on the proceedings.

6. At the time of arguments, learned counsel for both the parties submitted that the revision petitions may be allowed. In view of the submission made by the learned counsel for both parties, this court is not inclined to express any opinion touching the merits of the impugned order.

7. In the result, the civil revision petitions are allowed, setting aside the orders dated 19.1.2017 in I.A. Nos.189 and 190 of 2016. Consequently, I.A. Nos.189 and 190 of 2016 in R.C. No.38 of 2016 on the file of the Court of Additional Rent Controller, Secunderabad are allowed, reopening the matter and also recalling P.W.1. The cross-examination of P.W.1 shall be confined to the extent of new documents only. The petitioner is further directed to cross-examine P.W.1 on the date fixed by the trial court without fail. Miscellaneous petitions, if any pending in this civil revision petition, shall stand closed.

T.SUNIL CHOWDARY, J

April 13, 2017.

YS