

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.1066 OF 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India challenging the order dated 19.1.2017 passed in I.A. No.192 of 2016 in R.C. No.38 of 2016 on the file of the Court of the Additional Rent Controller, Secunderabad.

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

3. A perusal of the record reveals that respondent herein filed R.C. No.39 of 2016 under Section 4(1) of A.P. Buildings (Lease, Rent & Eviction) Control Act, 1960 against the petitioner herein on the file of the Additional Rent Controller, Secunderabad for fixation of fair rent. At the stage of arguments on petitioner's side, the petitioner filed I.A. No.192 of 2016 under Section 151 of CPC to reopen the matter for the purpose of recalling P.W.1 for further cross-examination. By the impugned order dated 19.1.2017, the trial court dismissed the I.A., holding that the I.A. was filed only to drag on the proceedings. Hence, the present civil revision petition.

4. At the time of the arguments, learned counsel for both the parties, in one voice, submitted that the revision petition may be allowed. +The learned counsel for the respondent submitted that the petitioner may be directed to complete the cross-examination of P.W.1 within a stipulated time. He further submitted that the petitioner may also be directed to cross-examine P.W.1 with regard to lease deed only. In view of the submissions made by the learned

counsel for both the parties, this court is not inclined to express any opinion touching the merits of the impugned order.

5. In the result, the civil revision petition is allowed, setting aside the order dated 19.1.2017 in I.A. No.192 of 2016. Consequently, I.A. No.192 of 2016 in R.C. No.2016 on the file of the Court of Additional Rent Controller, Secunderabad is allowed, reopening the evidence of P.W.1. Miscellaneous petitions, if any pending in this civil revision petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 02.3.2017

NOTE:

Dispatch order copy by 07.3.2017.

(By order)

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