

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.1062 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.191 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.191 of 2016 under Order XVIII Rule 17 of CPC to recall P.W.1 for the purpose of 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. 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. Today, this court allowed CRP No.1066 of 2017 reopening the evidence of P.W.1.

5. In the result, the civil revision petition is allowed, setting aside the order dated 19.1.2017 in I.A. No.191 of 2016. Consequently, I.A. No.191 of 2016 in R.C. No.2016 on the file of the Court of Additional Rent Controller, Secunderabad is allowed, recalling P.W.1. The cross-examination of P.W.1 shall be confined to the lease deed 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.

Date: 02.3.2017

NOTE:

Dispatch order copy by 07.3.2017.

(By order)

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T.SUNIL CHOWDARY, J.

