

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4620 of 2016

ORDER:

Heard both sides.

2. The Civil Revision Petition is maintained impugning the order dated 16.08.2016 passed in I.A. No.121 of 2016 in R.C. No.33 of 2015 by the I Additional Rent Controller, City Small Causes Court, Hyderabad (for short, 'the Rent Controller'), in receiving the documents filed on behalf of the respondent herein-landlord under Rule 7(5) of the A.P.Buildings (Lease, Rent and Eviction) Control Rules, saying that he sought for eviction, as he required the premises for PVC pipes business of his son, who trained in the business, and he is an un-employee and earlier, he could not file the training certificate as not traced, having been mixed up with other records of his son and later traced; the revision petitioner-tenant opposed the petition saying that the document is no way relevant and it is only to prolong the matter and it is filed after hearing the arguments; and the document petition is allowed by the impugned order saying that by mere receiving of the documents, no prejudice will be caused to the revision petitioner-tenant and the matter is coming up for the cross-examination of P.W.1, where the document is sought to be exhibited and thereby, to afford opportunity to decide admissibility or relevancy or proof at the

time of exhibiting. The same is impugned in the present revision, saying that the document is not relevant and serves no purpose and there is no justification to receive the same and the impugned order is liable to be set aside.

3. Learned counsel for the revision petitioner states that no purpose would be served in receiving the said document. Whereas the learned counsel for the respondent-tenant supported the impugned order of the Rent Controller.

4. Law is well settled that the receiving of document is different from marking and, any objection while marking is left open to raise on relevancy, admissibility and proof for the Court to mark subject to such objection and to decide ultimately in final disposal of the matter. This Court also in C.R.P. Nos.4384 and 4385 of 2015 in Kathi Narsinga Rao v. Kodi Supriya and another, by order dated 29.09.2016, scanning the law, laid down the same. So far as the belated receiving of the document concerned, in the affidavit filed in support of the petition itself, the petitioner stated that the training certificate was mixed up with other documents of his son and it could not be traced out at the relevant time. Having regard to the above, there is nothing to interfere with the impugned order passed by the Rent Controller.

5. Accordingly, the present Civil Revision Petition is dismissed. There shall be no order as to costs.

6. Miscellaneous petitions pending, if any, in this petition, shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

05.01.2017  
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