

THE HON'BLE MS. JUSTICE J. UMA DEVI

CRP NOS. 7374, 7376 and 7379 of 2017

COMMON ORDER:

The present civil revision petitions arise out of the orders passed in IA Nos. 954, 955 and 956 of 2017 in RC No. 12 of 2010 on the file of the Rent Controller-cum-Principal Junior Civil Judge, Nizamabad.

As the issues involved in the present revision petitions are interconnected, they are heard together and disposed of by way of this common order.

Since the decision, if any taken in CRP No. 7376 of 2017 will have bearing on other two civil revision petitions, the Court intends to deal with it.

The revision petitioner is the respondent in RC No. 12 of 2010 against whom eviction from the suit mulgi bearing Municipal No. 5-7-156 situated at Khaleelwadi, Nizamabad is sought by the respondent on several other grounds. When the said rent control case is at the stage of arguments, the revision petitioner has filed the aforementioned interlocutory applications to mark certain documents viz., counter filed by Sri C. Muralidhar Rao (respondent herein) dated 8.6.2007 in IA No. 1587 of 2006 in RC Nos. 11 of 2005 and counter filed by Rapalli Balamukundam (revision petitioner herein) dated 5.2.2009 in IA No. 1633 of 2008 in RC No. 11 of 2005 by reexamining him. The Rent Controller, Nizamabad has dismissed the aforesaid interlocutory applications on the ground that they were filed when the case is at the stage of hearing of arguments in the main case.

The documents which the revision petitioner intends to bring on record by reexamining him, are the counters in IA No. 1587 of 2006 and IA No. 1633 of 2008 in RC No. 11 of 2005 which are already disposed of. It appears that the revision petitioner has filed copies of the petitions and orders in IA No. 1587 of 2006 and IA No. 1633 of 2008 in RC No. 11 of 2005 and they are marked as Exs.R3 to R6 in the main RC. The documents which the revision petitioner intends to bring on record are well within the knowledge of the respondent and if those documents are brought on record, no prejudice will be caused to him. The learned Rent Controller, without taking note of the aforementioned aspect, has dismissed the interlocutory applications on the sole ground that they are filed at belated stage. The said view taken by the Rent Controller, in my view, is not correct, hence the impugned orders are liable to be set aside.

In the result, the civil revision petitions are allowed setting aside the impugned orders passed by the Rent Controller (Principal Junior Civil Judge) at Nizamabad in IA Nos. 954, 955 and 956 of 2017.

Since the main case is at the stage of arguments, there may not be any difficulty for the Rent Controller to dispose of the main itself by the end of January, 2018 after receiving the documents filed the revision petitioner along with IA No. 956 of 2017 by reopening the case and recalling him as a witness.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

JUSTICE J. UMA DEVI

Dt. 22.12.2017
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