

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.106 and 107 of 2018

COMMON ORDER:

Heard both sides and perused the grounds urged in the revisions, the respective impugned orders dated 22.11.2017 in I.A.Nos.125 and 124 of 2017 in R.C.No.311 of 2010 passed by the I Additional Rent Controller, Hyderabad, and the earlier common order of this Court dated 21.12.2017 covered by C.R.P.Nos.7275 and 7276 of 2017, wherein recall of RW.1 was already permitted.

2. As seen from the impugned orders of the lower Court with reference to the counters filed by the R.C.petitioner as respondent therein, opposing the said I.As. before the lower Court, it is crystal clear of PWs.1 to 6 were examined and their evidence was completed by 07.08.2012 and RW.1 evidence was also completed by December, 2012 and no doubt, thereafter, a revision is maintained in C.R.P.No.3919 of 2013 and there was stay and it was disposed of subsequently, on 01.02.2017, by this Court and thereafter, only in November, 2017, the respective petitions are filed before the lower Court.

3. No doubt, the respondent to the R.C.No.311 of 2010 should have been asked when earlier revisions filed for reopen and recall of RW.1, recall of these witnesses also, that is covered by common order supra dated 21.12.2017.

4. Even from perusal of the impugned orders and the earlier common order of this Court in C.R.P.Nos.7275 and 7276 of 2017, to subserve the ends of justice, it requires to permit only recall of PW.1 and PW.6 and not all the other witnesses among PWs.1 to 6, that too, subject to costs of Rs.3,000/- (Rupees Three thousand only) to the other side and it is on completion of PWs.1 and 6 further chief examination of what are the questions to be put to be given to the lower Court in a sealed cover, to permit only out of those, what are relevant and after completion of the cross examination, the R.C. petitioner can cross examine RW.1. The lower Court shall make every endeavour for early disposal of the said R.C. It is made clear that the respondent cannot file any petitions for any reopen or receiving of documents hereafter before the lower Court, by virtue of this order.

5. Accordingly, these revisions are partly allowed. Costs of Rs.3,000/- is paid in the open Court to the learned counsel for the respondent.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date: 05.01.2018

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