

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION Nos. 917, 918 AND 919 OF 2018

COMMON ORDER:

Civil Revision Petition Nos. 917 to 919 of 2018 are filed under Article 227 of the Constitution of India challenging the order dated 29-01-2018 in I.A.Nos. 1 to 3 of 2018 in R.C.No. 242 of 2004 on the file of the Court of I Additional Rent Controller, Hyderabad (for short, 'the Court below') respectively, whereby it allowed the abovementioned interlocutory applications filed under Section 151 of the Code of Civil Procedure (for short, 'C.P.C.') to reopen the evidence of P.W.1 and recall him for the purpose of marking the documents set out in the list filed along with the petition.

2. Respondent No. 1 herein earlier filed R.C.No. 322 of 2002 against the petitioners herein for eviction and the same was dismissed for default. Thereafter, Respondent No. 1 filed the above Rent Case against the petitioners for the same relief. During the course of cross-examination, R.W.1 denied the very filing of R.C.No. 322 of 2002. Therefore, it necessitated respondent No. 1 to reopen his evidence by recalling him for marking certain documents. The petitioners opposed the petition on the ground that it is belated one and that they will have no opportunity to put forth their defence and cross-examine the witness. The Court below upon hearing argument of both counsel allowed the petition with a view to afford an opportunity to both parties to adduce best evidence while observing that the petitioners are entitled to avail the opportunity of cross-examine the witness.

3. Aggrieved by the same, the present revision is filed on various grounds mainly on the ground that the petitions under Section 151 of C.P.C. are not maintainable and when the documents were referred in the petition itself, the

petitioners would have filed those documents along with the petition as required under Order VII Rule 14 of C.P.C. but did not file and when the matter is posted for arguments, these petitions are filed and the Court below without considering the stage at which these petitions have been filed ordered the same as a matter of routine.

4. Learned counsel for the petitioners during argument reiterated the contentions urged before the Court below and requested this Court to afford sufficient opportunity to cross-examine the witness with reference to the documents proposed to be introduced.

5. In fact, petitions under the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short, 'the Act'), have to be disposed of based on the principles of justice, equity and good conscience as per Rule 22 (8) of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Rules, 1961, framed under the Act, dispensing with all the legal fetters contained in C.P.C. in deciding the same. Order VII Rule 14 of C.P.C. has no application to the proceedings under the Act and the Court cannot insist the provisions of Order VII Rule 14 of C.P.C. to be followed in the proceedings under the Act as there is a separate provision in the Act itself. Therefore, non-compliance of Order VII Rule 14 of C.P.C. is not a ground to set aside the orders. Even otherwise, acceding to the request of learned counsel for the petitioners, the Court below is directed to afford sufficient opportunity to cross-examine the witness if any recalled with reference to the additional documents marked before it and dispose of the matter in accordance with law.

6. With the above direction, the civil revision petitions are disposed of.

7. Pending miscellaneous petitions, if any, in these revision petitions shall stand closed in consequence.

Date: 15-02-2018.
JSK

M.SATYANARAYANA MURTHY, J.

