

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.6034 OF 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 20.10.2016 passed in I.A.No.707 of 2014 in R.A.S.R.No.4543 of 2014 on the file of the Chief Judge, City Small Causes Court at Hyderabad.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the first respondent filed R.C.No.366 of 2008 on the file of the I Additional Rent Controller, City Small Causes Court, Hyderabad, against the petitioner and second respondent. The Rent Controller Court allowed the petition on 09.10.2013. Feeling aggrieved by the order dated 09.10.2013, the petitioner preferred R.A.S.R.No.4543 of 2014. The petitioner also filed I.A.No.707 of 2014, under Section 5 of the Limitation Act, to condone the delay of 356 days in filing the appeal. The ground urged by the petitioner is that she has been suffering with paralysis and she filed the medical certificate to that effect. For one reason or other, the petitioner did not choose to examine the doctor, who treated her. In the absence of examination of the doctor, it may not be possible for the Court to arrive at a conclusion that the petitioner was prevented to file the appeal due to paralysis or not.

4. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is a fit case to remand the matter to the appellate Court so as to provide an

opportunity to the petitioner to examine the concerned doctor to prove her ailment.

5. In the result, the Civil Revision Petition is allowed setting aside the order dated 20.10.2016 passed in I.A.No.707 of 2014 in R.A.S.R.No.4543 of 2014 on the file of the Chief Judge, City Small Causes Court at Hyderabad, and remanding the matter to the appellate Court. The appellate Court is hereby directed to dispose of I.A.No.707 of 2014 on merits, after giving an opportunity to the petitioner to examine the concerned doctor. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date: 30.07.2018
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T.SUNIL CHOWDARY, J

