

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**CIVIL REVISION PETITION No.988 of 2019**

**ORDER :**

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.28-02-2019 in I.A.No.50 of 2019 in R.C.No190 of 2008 of the I Additional Rent Controller, Hyderabad.

2. Petitioner had filed the said R.C. for eviction of respondent from the R.C. schedule property.

3. In the R.C., I.A.No.157 of 2018 was filed to direct the Superintendent, Greater Hyderabad Municipal Corporation to produce proceedings dt.13-01-2011; the said I.A. was allowed; and the Superintendent was examined as C.W.2 and he produced the attested copy of the proceedings. After he was examined in chief, there was cross-examination allowed by the Court below only by respondent but not by petitioner.

4. Petitioner then filed I.A.No.50 of 2019 to permit him to cross-examine C.W.2 also. He contended that C.W.2 had given two documents before the Court and marked them as Ex.C-4 and Ex.C-4(a) and the Court below closed his evidence and sought to recall the said Officer to cross-examine him.

5. Respondent opposed the same stating that C.W.2's evidence cannot be reopened since he was summoned by the Court only to produce the documents sought by the Court.

6. By order dt.28-02-2019, the Court below dismissed the said application. It held that C.W.2 need not be recalled for the purpose of cross-examination by petitioner, as the case is posted for arguments and there are no *bona fides* in the petition.

7. Assailing the same, this Revision is filed.

8. Though notice in the Revision was sent to respondent, it was refused by respondent.

9. Heard the party-in-person/G.P.A. Holder of petitioner, who contended that when respondent is allowed to cross-examine C.W.2, equal opportunity should be given to the petitioner also and petitioner must also be permitted to cross-examine C.W.2.

10. I find considerable force in the said contention. Merely because the matter is posted for arguments, the Court below cannot refuse to permit the petitioner to cross-examine C.W.2.

11. Therefore, the Civil Revision Petition is allowed; the order dt.28-02-2019 in I.A.No.50 of 2019 in R.C.No.190 of 2008 of the I Additional Rent Controller, Hyderabad is set aside; and the said I.A. is allowed. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

**JUSTICE M.S.RAMACHANDRA RAO**

Date: 02-08-2019

Vsv

