

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION Nos.996 and 989 of 2019

COMMON ORDER :

These two Revisions arise between the same parties out of the same eviction petition R.C.No.190 of 2008 on the file of the I Additional Rent Controller, Hyderabad, and so they are being disposed of by this Common Order.

2. Notice in these Revisions along with notice in another Civil Revision Petition No.988 of 2019 also arising out of the same eviction petition was sent by petitioner to respondent and has been returned with endorsement '*refused*'.

3. Therefore, the respondent is deemed to be served.

4. Interlocutory Application No.157 of 2018 was filed by petitioner in the said eviction case filed by him against the respondent to direct the Superintendent, Greater Hyderabad Municipal Corporation to produce proceedings dt.13.01.2011. The said Interlocutory Application was allowed, and the Superintendent was examined as C.W.2 and he produced attested copy of the said proceedings. After he was examined in chief, only the respondent was allowed to cross-examine C.W.2, but not the petitioner.

5. So, the petitioner filed (i) Interlocutory Application No.50 of 2019 to permit him to cross-examine C.W.2 also, (ii) Interlocutory Application No.51 of 2019 to re-open the evidence of C.W.2 and

(iii) Interlocutory Application No.52 of 2019 under Order 11 Rule 14 of Civil Procedure Code, 1908 praying the Court to call for entire records from the Greater Hyderabad Municipal Corporation including Municipal Tax Assessment Register in respect of the property bearing Municipal No.6-3-668/14, situate at Punjagutta, Hyderabad which is the subject matter of the eviction proceedings.

6. By separate orders dt.28.02.2019, all the three applications have been dismissed.

7. Challenging the order in Interlocutory Application No.50 of 2013, the petitioner filed Civil Revision Petition No.988 of 2019 which was allowed on 02.08.2019.

8. The petitioner had also filed Civil Revision Petition No.996 of 2019 challenging the order dt.28.02.2019 in Interlocutory Application No.51 of 2019 to reopen the evidence of C.W.2 for the purpose of cross-examination of petitioner's counsel. The said application had been dismissed by the Court below on the ground that the case is coming up for arguments of both sides and it cannot be entertained at that stage.

9. Since Civil Revision Petition No.988 of 2019 has been allowed setting aside the order dt.28.02.2019 in Interlocutory Application No.50 of 2011 in R.C.No.190 of 2008 on the file of I Additional Rent Controller, Hyderabad, Civil Revision Petition No.996 of 2019 is also allowed and the order dt.28.02.2019 passed in Interlocutory Application No.51 of 2019 in R.C.No.190 of 2008 on the file of

I Additional Rent Controller, Hyderabad is also set aside and the said I.A. is allowed.

Civil Revision Petition No.989 of 2019 :

10. Coming to Civil Revision Petition No.989 of 2019, wherein the order dt.28.02.2019 passed in Interlocutory Application No.52 of 2019 in the said R.C. has been challenged, it is the contention of petitioner that she had filed the proceeding for eviction of respondent and the respondent was denying the jural relationship and also disputed the boundaries of the R.C. Schedule property. The petitioner also alleged that the mother of respondent had filed Original Suit No.1986 of 2000 in respect of the property bearing No.6-3-668/14, Punjagutta, Hyderabad against petitioner; that this property in fact belongs to one P. Sreeramulu whose name is incorporated in the Municipal Tax Assessment Register; that the respondent is alleging that the said Register was tampered and fabricated and whitener was applied on the name of the owner Sri P. Sreeramulu and on the said whitened portioned it was written "*Najma Sultana*". The petitioner therefore wanted the said Register to be called for from the Greater Hyderabad Municipal Corporation for the purpose of sending it to the Forensic Department for the purpose of ascertaining on whose name the whitener was applied.

11. The respondent opposed the said contention saying that it is nothing but process of abuse of court and it is not important to send the Register for Forensic Department.

12. By order dt.28.02.2019, the Court below dismissed Interlocutory Application No.52 of 2019 stating that the said document is not required to be sent to the Forensic Department at the stage of arguments since it was already marked.

13. Assailing the same, the present Civil Revision Petition No.989 of 2019 is filed.

14. Though counsel for petitioner sought to contend that it is necessary to call for the entire records from the Greater Hyderabad Municipal Corporation including Municipal Tax Assessment Register in respect of the property bearing Municipal No.6-3-668/14 and send it to the Forensic Department for ascertaining the truth on whose name the whitener was applied in the said Register, I am of the opinion that it would not serve any purpose because title to the property is not relevant and only the question of existence of jural relationship of landlord and tenant between petitioner and respondent is relevant in the eviction petition.

15. Therefore, Civil Revision Petition No.989 of 2019 is dismissed.

16. Accordingly, the Civil Revision Petition Nos.996 of 2019 is allowed, but C.R.P. No.989 of 2019 is dismissed. No order as to costs.

17. As a sequel, miscellaneous petitions pending if any in these Revisions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-08-2019

Ndr

