

HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.1141 & 1154 of 2019

COMMON ORDER:

Both the revisions are filed aggrieved by the orders dated 21.02.2019 passed in I.A.Nos.5 & 4 of 2019 in RC.No.201 of 2013 by the IV Additional Rent Controller, Hyderabad, wherein the said interlocutory applications filed by the revision petitioners/respondents to reopen the evidence of the petitioners in the main case and recall PW.1 for further cross-examination were dismissed.

2. Heard both sides and perused the material on record.

3. Learned counsel for the revision petitioners/respondents would contend that the further cross examination of PW.1 is necessary and there are no laches on the part of the revision petitioners and they were ready to cross examine the witness, however the Court below declined to allow the applications and ultimately prayed to set aside the impugned orders and allow the subject interlocutory applications as prayed for.

4. On the other hand, learned counsel for the respondents/petitioners would submit that the suit was filed for eviction as well as fixation of fair rent and several opportunities were given. Even though, previously the similar applications to reopen and recall the evidence of PW.1 for further cross examination, were allowed and dates were also fixed for the further cross examination, the revision petitioners failed to proceed with the same. Therefore, there are no merits in the subject applications. The Court below assigned valid reasons

while dismissing the subject applications and ultimately prayed to dismiss the revision petitions by upholding the impugned orders.

5. In view of the above submissions made by both sides, the point for determination is:

“Whether the impugned orders dated 21.02.2019 passed in I.A.Nos.5 & 4 of 2019 in RC.No.201 of 2013 by the IV Additional Rent Controller, Hyderabad, are liable to be set aside?”

POINT:

6. As seen from the material placed on record, previously when similar applications were filed by the revision petitioners seeking to reopen and recall the evidence of PW.1 for further cross examination, they were allowed and a date was also fixed on 22.11.2018. On that day, PW.1 was not present and the matter was posted to 29.11.2018. On 29.11.2018, PW.1 was present and his counsel was also present, however the revision petitioners failed to appear before the court and cross examine PW.1 and so the matter was adjourned to 05.12.2018 on payment of costs of Rs.200/-. On 05.12.2018, PW.1 did not appear as his relative was expired and this was not put to the notice of the revision petitioners, however, on that day there was no representation on behalf of the revision petitioners and the matter was posted to 13.12.2018. On 13.12.2018, PW.1 and his counsel were present and waited till 02.45 P.M., but there was no representation on behalf of the revision petitioners. Since there was conditional order, the Court below treated the further cross of PW.1 as nil and posted the matter for

respondents evidence. Now, again the revision petitioners/respondents have filed subject applications to reopen and recall the evidence of PW.1 for further cross examination. The Court below was pleased to dismiss both the subject applications vide impugned orders.

7. It is evident from the record that several opportunities were given to the revision petitioners to further cross examine PW.1. During the course of submissions, no reason was assigned, particularly, any sustainable reason for not further cross examining the PW.1. The subject RCC is of the year 2013. The material placed on record demonstrates that the subject applications are filed only to drag on the proceedings, which is not permissible under law and the Court below has rightly exercised its jurisdiction and did not commit any irregularity or perversity while passing the impugned orders. Both the civil revision petitions are devoid of merits and are liable to be dismissed.

8. Accordingly, both the Civil Revision Petitions are dismissed. No costs.

Miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 08.11.2019
ska