

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2657 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant, challenging the order, dated 01.10.2019, passed in I.A.No.403 of 2019 in O.S.No.84 of 2014 by the III Senior Civil Judge, City Civil Court, Secunderabad, whereby, the petition filed by the revision petitioner/defendant under Section 151 of CPC to reopen the matter for further evidence of the petitioner/defendant, was dismissed.

2. Heard the learned counsel for the revision petitioner/defendant and perused the record. In spite of service of notice on the respondent No.2 and listing this matter under the caption "For Orders", there is no representation on his behalf.

3. The learned counsel for the revision petitioner/defendant would contend that two receipts of money order of Rs.7,500/- each showing payment of monthly rent are available with the revision petitioner/defendant. The said two receipts of money order demonstrate payment of monthly rent to the respondent No.2/plaintiff. Those two receipts are essential for determination of the subject suit for eviction filed against the revision petitioner/defendant. The Court below erroneously dismissed the subject interlocutory application and ultimately

prayed to set aside the order under challenge and allow the subject interlocutory application as prayed for.

4. The averments in the affidavit filed in support of this revision reveals that two months' rent amounting to Rs.15,000/- (Rs.7,500/- per month) were sent to the respondent No.2/plaintiff by way of money order. The receipts of those two money orders are relevant and necessary for proper adjudication of the subject suit and to substantiate the contentions raised on behalf of the revision petitioner/defendant. The Court below ought not have refused to reopen the matter for further evidence of the revision petitioner/defendant. Under these circumstances, the impugned order is liable to be set aside.

5. Accordingly, the impugned order, dated 01.10.2019, passed in I.A.No.403 of 2019 in O.S.No.84 of 2014 by the III Senior Civil Judge, City Civil Court, Secunderabad, is set aside. Consequently, I.A.No.403 of 2019 stands allowed as prayed for.

6. The Civil Revision is, accordingly, allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

06th January, 2020
Bvv