

Rangappa Vs. K. Ramachandra Murthy

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Court : Karnataka

Decided On : Nov-29-1995

Reported in : ILR1996KAR134; 1996(1)KarLJ213

Judge : M.B. Vishwanath, J.

Acts : Karnataka Rent Control Act, 1961 - Sections 21

Appeal No. : HRRP No. 1679 of 1995

Appellant : Rangappa

Respondent : K. Ramachandra Murthy

Advocate for Def. : P.N. Nanja Reddy, Adv. for R-1

Advocate for Pet/Ap. : Nagaraj, Adv. for K.N. Sankaralingappa, Adv.

Disposition : Revision allowed

Judgement :

ORDER

Vishwanath, J

1. Heard, Admitted

2. In this Revision Petition the Second Respondent in the Court below (Revision-petitioner herein) has challenged the order dated 14.11.1995 passed in HRC 2303/1992 on the file of the II Additional Judge, Court of Small Causes, Bangalore, rejecting I.A.No. 8 filed by the Revision-petitioner under Section 151 of the Code of Civil Procedure.

3. The prayer made in I.A.8 filed by the Revision-petitioner/2nd respondent is that he should be permitted to lead his evidence in his capacity as 2nd respondent.

4. To appreciate the point for determination the few facts necessary are:-

The Eviction Petition HRC.2303/1992 was filed by the landlord Ramachandra Murthy against the respondent-tenant Smt. Lalithamma. At the instance of the landlord, the Revision-petitioner Rangappa has been brought on record on 23.09.1995 as Second Respondent.

After he was brought on record as Respondent No. 2 he filed I.A.No. 8 praying that he should be permitted to lead evidence in his capacity as 2nd respondent.

5. The learned Small Causes Judge rejected I.A.No. 8 on the ground that the 2nd respondent has already been examined in the case as RW2. True, but RW2 (present Revision-petitioner) has been examined as a witness for the tenant Smt Lalithamma. The fact that the Revision-petitioner who was subsequently brought on record as a 2nd respondent has been examined as a witness for the tenant, cannot be allowed to come in the way of the Revision-petitioner (2nd respondent) leading his evidence as a party. In that view of the matter the order passed by the lower Court is perverse.

6. For the aforesaid reasons, the impugned order is set aside and the lower Court is directed to permit the Revision-petitioner (2nd respondent in the Court-below) to adduce his evidence as a party.

The Revision Petition allowed accordingly.