

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3302 OF 2015

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 22.07.2015, passed in I.A.No.242 of 2015 in R.C.No.5 of 2014 by the Principal Rent Controller – cum – XII Junior Civil Judge, Hyderabad.

Respondent – landlord has filed the aforesaid R.C. for eviction of the petitioner - tenant from the schedule property on the grounds of willful default, *bona fide* requirement etc. On behalf of the respondent, PWs.1 and 2 were examined and when the matter is coming up for evidence of the petitioner, the present I.A. is filed under Order VI Rule 17 C.P.C. to permit the petitioner to amend the counter by adding paragraph No.14 (a) after paragraph No.14. The Court below, by impugned order, dated 22.07.2015, dismissed the said application.

Having heard the learned counsel for parties, I have also perused the affidavit filed in support of I.A.No.242 of 2015 and the impugned order.

By the aforesaid application, petitioner intends to introduce a new paragraph in the counter to the effect that during pendency of the proceedings, land admeasuring

9.14 Square Yards, out of total extent of 228 Square Yards, was sold by the respondent – landlord and if there is any *bona fide* requirement, the respondent, without selling the land, could have constructed a mulgi therein.

It is not in dispute that on behalf of the respondent, PWs.1 and 2 were already examined. It is stated that RW.1 is also examined. If, at this stage, the amendment is allowed, definitely it would cause prejudice to the case of the respondent. Further, petitioner did not make out any case as required under the proviso to Order VI Rule 17 C.P.C..

In view of the proviso to Order VI Rule 17 C.P.C. and having regard to the reasons recorded by the Court below, I do not find any merit in this revision petition, so as to interfere with the impugned order.

Accordingly, the revision petition is dismissed. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

August 28, 2015

MD