

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5330 of 2010

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.21.10.2010 in I.A.No.255 of 2010 in R.C.No.187 of 2008 on the file of the Principal Rent Controller, Secunderabad.

2. The petitioner herein is the tenant of respondent.
3. The respondent filed R.C.No.187 of 2008 under Section 4 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short, 'the Act') for fixation of fair rent in respect of petition schedule property.
4. Counter-affidavit has been filed by petitioner opposing the said relief.
5. Thereafter, respondent filed I.A.No.255 of 2010 under Order 6 Rule 17 C.P.C. to amend the R.C. petition; and to add the sentence "*Petition for fixation of fair rent filed under Section 4 and 6 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act*".
6. This application was opposed by petitioner.
7. By order dt.21.10.2010, the Court below allowed the said application.

8. Challenging the same, this Revision is filed.

9. Heard Sri R.A. Achuthanand, counsel for petitioner and Sri Sharad Sanghi, counsel for respondent.

10. The counsel for petitioner contended that the Court below ought not to have allowed this application; and that relief under Section 6 of the Act cannot be granted when application for fixation of fair rent under Section 4 of the Act is pending.

11. The above argument of counsel for petitioner cannot be countenanced at this stage because it is settled law that while deciding whether or not to allow an amendment, the Court cannot go into the correctness of the case set up in the amendment, or go into the question whether the relief sought for after the petition is amended, can be granted or not.

12. Therefore, I do not find any merit in the Revision and it is accordingly dismissed. No order as to costs.

13. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-06-2015
Ndr/