

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5157 of 2011

ORDER:

Heard the learned counsel for the revision petitioner and the revision respondent respectively and perused the material on record including the impugned order and the decision placed reliance by the revision petitioner in *urimi Kamakshamma V. Bolem Seethamma*^[1]. The eviction sought by the landlord before the Rent Controller in R.C. No.141 of 2008 was on the ground of requirement for self-occupation and also by saying the respondent seized to occupy the premises having other accommodation if not and the eviction was allowed ultimately under Section 2(v) and 3(iii)(b) for the bonafide requirement for self-occupation vide order dated 31.05.2010. Impugning the same, the R.C. No.141 of 2008, respondent-tenant filed R.A. No.211 of 2010 and pending the appeal sought for amendment of para No.4 by adding para No.4A in the counter of the respondent before Rent Controller in R.C. No.141 of 2008 to say subsequent to the eviction order and pending appeal the R.C. No.141 of 2008 petitioner secured another side by premises of his own, might be to say there is another premises available for self-occupation. The amendment sought is for the things not in existence as on the date of the counter filed or even R.C. No.141 of 2008 disposed of but for even from the very say a subsequent event. A subsequent event without even pleading can be adduced in evidence at best and the amendment sought for thereby not sustainable and the decision placed reliance in *Urimi Kamakshamma* supra of amendment can be allowed even at appeal stage no way helpful in the factual scenario.

2) Having regard to the above, the revision is dismissed.

Needless to say to work out any remedy of filing additional evidence to show the subsequent events in the pending appeal if at all relevant or germane. There is no order as to costs.

3) Miscellaneous petitions, if any pending in these two appeals shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:03-02-2016
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[\[1\]](#) 2002(3) ALT 490