

**BEFORE THE ADJUDICATING OFFICER,
TELANGANA REAL ESTATE REGULATORY AUTHORITY,
HYDERABAD.**

Dated, this, the 8th day of OCTOBER, 2024.

Present:- Sri Syed Lateef-ur Rahman,
Adjudicating Officer.

I.A.No.16 of 2024
in
COMPLAINT No.05/2024/TG RERA

Between:

Smt.Chiruvolu Naga Brunda.

...Petitioner/Complainant.

and

M/s. Modi Realty Genome Valley LLP, rep., by
its Partner Mr.Soham Modi.

...Respondent/Respondent.

This Interlocutory Application came up for hearing before me on 04.10.2024 in the presence of Sri P.Rama Krishna, Counsel for the petitioner/complainant and of Sri M.A.Lateef, Counsel for the respondent/respondent, upon perusing the material on record and upon hearing the arguments of both sides and having stood over for consideration till this day, the following order is passed:

ORDER

This is a petition under Order VI, Rule 17 read with Sec.151 CPC filed by petitioner/complainant to permit her to amend the complaint as under:

"4.1(a). The Flat No.117 on the First floor, in Block No.A 800 Sft., undivided share of land of 44.10 Sq.Yards, single car parking (105 Sft) and more clearly mentioned in the Annexure-A of Agreement of Sale dated 04.08.2021.

*I submit that amend Para No.4.19 compensation amount delete 'Rs.75,000/-' and add **Rs.1,75,000/-** and following pleading may be added to complaint as Para No.4.19(a) after the para No.4.19 of the complaint:*

4.19(a) I submit that the complaint booked the flat for pollution free environment and peaceful living in the outskirts, but it became in vain due to the delay in the delivery of possession by the Respondent and it became nightmare

to the complainant. That the complaint made multiple attempts by approaching the Respondent and send E-mail messages to the Respondent from 08.04.2024 and on various dates to 15.06.2024 for delivery possession of the flat. But there is no response from the Respondent. Due to the harassment and mental agony caused by the respondent, husband of complainant fell sick and had to take treatment. To grant minimum compensation of **Rs.1,75,000/-** for harassment, mental agony and suffering and the legal expenses of **Rs.25,000/-**.

6. In para No.5 of the complaint, complainant may be permitted to amend the compensation sought deleting the words '**Rs.1,02,400/- + Rs.75,000/-**' and add as under:-

The complainant prays the compensation relief as follows:

(a) To compensate loss of rent Rs.1,02,400/-

(b) To grant minimum compensation of Rs.1,75,000/- for harassment, mental agony and suffering as per Sec.18(3) of the Act.

(c) To grant legal expenses of Rs.25,000/-

(d) And to pass such other order or orders as this Hon'ble Authority deems fit and proper in the interest of justice and equity"

2. The petitioner/complainant has filed her affidavit in support of the petition narrating the circumstances which compelled her to file present petition. According to her, she had no legal knowledge and now she has engaged an Advocate to represent her. She stated that at the time of filing complaint, she could not furnish crucial information and documents and as such, the amendment now sought is essential:

3. Respondent filed a counter contending that the petitioner/complainant suppressed material particulars while filing complaint. As such, she cannot be permitted now to amend the pleading.

4. Now the Point for consideration is:

Whether the petition has merits and deserves to be allowed or not?

5. **POINT:**

Admittedly, the petitioner/complainant filed present complaint in person. The explanation offered by the petitioner/complainant to move present petition appears to be acceptable. No prejudice would be caused to respondent/respondent if the petition is allowed, inasmuch as they will have right to file additional counter replying to the amendment now sought and then contest the case. Since the matter is pending disposal, it is not just and appropriate at this stage to go into the details of the case, inasmuch as if anything observed on merits of the case, it may cause prejudice to the contentions of the parties in the main case. Therefore, the petition has merits and deserves to be allowed.

7. In the result, this petition is allowed. No cost.

Typed to my dictation, corrected and pronounced by me in open Court on this, the 8th day of OCTOBER, 2024.



ADJUDICATING OFFICER,
TG RERA: HYDERABAD.

APPENDIX OF EVIDENCE
NIL

ADJUDICATING OFFICER,
TG RERA: HYDERABAD.

c.