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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 23rd day of September, 1998

BEFORE

THE HON'BLE MR JUSTICE R V RAVEENDRAN

HRRP Nos 1200 & 1201 of 1998

Between:

V Doraiswamy  
s/o Venkataswamy  
r/o No 37/A, Kalhalli  
Near MEG Centre  
Bangalore-42

... PETITIONER  
[in both cases]

[By Sri C R Lakshmana Murthy, Adv]

And:

1. G Ramachandran  
residing in a portion of  
r/o No 37/A, Kalhalli  
Near MEG Centre  
Bangalore-42

... RESPONDENT  
[in HRRP 1200/98]

2. Parashuraman  
residing in a portion of  
r/o No 37/A, Kalhalli  
Near MEG Centre  
Bangalore-42

... RESPONDENT  
[in HRRP 1201/98]

[By Sri R B Sadashivappa, Adv]

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HRRPs are filed against the orders dated 29-7-1998, passed in HRC Nos 10700 & 10701 of 1991, on the file of the Addl Judge, Court of Small Causes, Bangalore, rejecting the application filed by the petitioner under Order VI Rule 17 of the Code of Civil Procedure.

These HRRPs are coming on for hearing this day, the Court made the following:-

O R D E R

These two revision petitions are filed by the landlord under Section 50(1) of the Karnataka Rent Control Act, 1961 [for short, the Act]. The landlord filed two eviction petitions against the respondents herein in HRC Nos 10700 and 10701 of 1991, under Section 21(1)(a), (d) and (h) of the Act. Thereafter, the petitioner filed applications for amendment in both the cases. By amendment<sup>application</sup>, the petitioner wanted to introduce the need of the daughter instead of the need of the son, which was mentioned in the eviction petition. This amendment, according to landlord, became necessary in view of the changed circumstances. The court-below rejected the said applications. Feeling aggrieved, the landlord has filed these revision petitions.

2. The eviction petitions were filed in the year 1991 and have been pending for a considerable time. On account of the long pendency of the matters, if there is a change in the circumstances and as a

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consequence of such change in the circumstances, the amendment becomes necessary, the court cannot reject the said applications. The cause of action for the eviction petitions remained same, but only the nature of need is changed. The court-below ought to have been allowed the applications for amendment.

3. Hence, these two revision petitions are allowed and the orders dated 29-7-1998 in HRC Nos 10700 and 10701 of 1991, on the file of Court of Small Causes, Bangalore, passed on the applications for amendment filed by the landlord, are set aside and the said applications stand allowed.

Sd/-  
JUDGE

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