

IN THE COURT OF THE XX JUNIOR CIVIL JUDGE:
CITY CIVIL COURT AT: HYDERABAD

IA NO. 601 OF 2016
IN
O.S. NO. 3180 OF 2016

Between:

Mrs.Sajda Sultana

....Petitioner/Plaintiff

AND

M/s. Modi Builders Methodist Complex & Others Respondents/Defendants

COUNTER AFFIDAVIT OF THE RESPONDENT NO1

I, Soham Modi, S/o.Late Sri Sathish Modi, do hereby solemnly affirm and state on oath as follows:

I am the Partner of the R1 and as such well aware of the facts deposed hereunder. I am also deposing on behalf of Respondents 2 & 3. I deny all adverse allegations contained in the affidavit filed by the petitioner and if any allegations not specifically denied should not be deemed to have been admitted.

1. I submit that with regard to para No.1 the same is formal and does not call for any specific reply.

2. I submit that with regard to Para no.2 it is true to the extent that the Petitioner is in occupation of premises No.309 and 310B in the IIIrd floor, Methodist Complex as a tenant. It is respectfully submitted that these Defendants have no knowledge with regard to the alleged partnership or the nature of their business.

3. I submit that with regard to Para no.3 the averments therein are true and hence not denied.

4. I submit that with regard to Para no.4 it is absolutely false that in the month of September the Respondents are some other people went to the Suit Schedule Property and threatened the Petitioner to vacate the premises nor demanded any increase in the rent or the Security Deposit. It is absolutely false that the Petitioner is paying the monthly rents regularly.

5. I submit that with regard to Para no.5 it is absolutely false that the Petitioner is regularly paying the rents and there are no arrears. It is true that the Petitioner has paid a Security Deposit of Rs.75,000/- and the same is

acknowledged through bank endorsement as the transactions are through bank endorsements the question of issuing receipts does not arise.

6. I submit that with regard to Para no.6 the averments therein are denied for want of knowledge and the Petitioner is put to strict to proof of each and every allegation there in.

7. I submit that with regard to Para no.7 it is not true to say that the Respondents have any evil eye on the business of the Petitioner. These respondents deny for want of knowledge the allegations regarding the investments made by the Petitioner. It is absolutely false to say that the Respondents are negotiating with any third party for getting higher rents for the Suit Schedule Property.

8. I submit that with regard to Para no.8 the averments therein are concocted for filing this application. The Respondents or any one claiming through them had never visited the suit schedule property on any day much less on 21.10.2016 for threatening the petitioner to vacate the premises.

9. I submit that with regard to Para no.9 the averments therein are concocted for filing this application. The Respondents or any one claiming through them had never visited the suit schedule property on any day much less on 18.12.2016 for threatening the petitioner to vacate the premises nor caused any damage to the properties of the Petitioner. It is absolutely false to say that the Respondents left the place after openly threatening the Petitioner.

10. I submit that with regard to Para no.10 the Petitioner does not have any prima facie case nor the balance of convenience. The Respondents never tried to forcibly evict the Petitioner nor have the Respondents resorted to any illegal acts.

11. I submit that with regard to Para no.11 the averments therein are denied.

12. I submit that with regard to Para no.12 the Respondents never tried to evict the Petitioner any time. All the other averments are concocted for the purpose of filing this application.

13. I submit that with regard to Para no.13 there is no interference from the Respondents or any one claiming through them and there is no necessity for seeking any relief from this Hon'ble court.

14. I submit that with regard to Para no.14 there is no balance of convenience in favour of the Petitioner.

The Respondents submits as follows:

The Petitioner paid an aggregate sum of Rs.72,000/- at irregular intervals. After giving credit to the said amount the Petitioner is now due and payable a sum of Rs.96,000/- towards rent and general amenities as on 1st November, 2016 and a further sum of Rs.25,200/- towards service tax aggregating to a sum of Rs.1,21,200/- (Rupees One Lakh twenty one thousand and two hundred only). The Petitioner has not paid Service Tax right from the inception of the tenancy. In spite of repeated demands the Petitioner has failed to pay the arrears of rent and other amounts due. The Respondents are not desirous of continuing the tenancy.

The Respondents submit that as the Petitioner was very irregular in the payment of rents, the Respondents got issued a notice dtd.4.11.2016 through its counsel and the same was received by the Petitioner. The tenancy of the Petitioner was terminated through the above notice and also the Petitioner was directed to pay all the rental dues and General amenities charges. The Petitioner did not give any reply to the said notice nor she did comply with the demands contained in the said notice.

The Respondents herein have filed a suit for eviction, recovery of rents and future mesne profits against the petitioner herein which is numbered as OS No.1232 of 2016 on the file of the Ist Senior Civil Judge,CCC, Hyderabad.

The Petitioner has approached this Hon'ble court by suppressing facts. The Petitioner has not mentioned anything in her pleadings regarding the notice given by the Respondents. The Petitioner is a chronic defaulter and has not paid the rents from July'2016 till this date.

It is therefore prayed that this Hon'ble court may be pleased to dismiss the above application for Injunction.

For Me: ~~Fuller's (Method of Complaint)~~

Sworn and signed before me
On this the ____ Janunary 2017.

Deponent ~~Fuller's~~

Advocate/Secunderabad.

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COUNTER AFFIDAVIT OF THE
RESPONDENT NO1

Filed on: .01.2017

Filed by: Sri.C.Balagopal
Advocate

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COUNSEL FOR RESPONDENTS