

BEFORE THE ADJUDICATING OFFICER TELANGANA
STATE REAL ESTATE REGULATORY AUTHORITY, DTCP
BUILDING, GROUND FLOOR, 640, AC GUARDS, MASAB
TANK, OPP PTI BUILDING AT: HYDERABAD

Inward IA.No. Of 2024
IN
C.C.P.No.05/2024/TG RERA

Between:

Smt Chiruvolu Naga Brunda
W/o C.Ravi Shanker
R/o H.No.1.8.22/71/202,
SV Nivas Kapra Malkajgiri

..Complainant

And

M/s Modi Realty Genome Valley LLP
Rep by its Partner Mr.Soham Modi
R/o 5-4-187, MG Road Secunderabad

... Respondent/Petitioner

COUNTER AFFIDAVIT PRAYING TO DISMISS THE
AMENDMENT OF COMPLAINT

I Soham Modi S/o Late Satish Modi Occ: Business R/o 5-4-187/3 & 4,
Soham Mansion 2nd Floor, MG Road Secunderabad representing as a
partner to the Respondent Company do hereby state as under:

I Submit that the complainant filed a complaint against the
Respondent before your Hon'ble Tribunal claiming compensation as
mentioned in the complaint. The matter stood thus, the trial has been
conducted and documents were also marked as exhibits.

I submit that on 23.09.2024 the complainant has appointed a
counsel and accordingly on behalf of the complainant he filed an
amendment of complaint petition mainly on 2 grounds which are as
follows:


For MODI REALTY GENOME VALLEY LLP
Authorized Representative

I submit that the first amendment as praying by the complainant in her petition is to amend/add the schedule of property of her flat which was not clearly prescribed in the original complaint. **In reply :** I would like to bring to the kind notice of this Hon'ble Tribunal that the complainant is already filed a sale deed of her flat and the same is considered by this Hon'ble Tribunal and marked as Exhibit No.A-2. When the document sale deed itself is marked and the Respondent has not taken any objection on that count. It is no way required for any further amendments.

I submit that the second amendment as praying by the complainant is to amend the amount of compensation from Rs.75,000/- to Rs.1,75,000 /-. **In reply:** I would like to submit that the claim of the complainant itself is false and fabricated. The complainant stating in her amendment of complaint that due to the harassment and mental agony caused by the Respondent, the husband of the complainant fell sick and had to take treatment and supporting document of hospital bills and discharge summary were filed. Which is totally false and put to the strict proof of the same. The very first thing is that assuming but not admitting that, if any mental agony caused and any compensation shall be granted, the Hon'ble Tribunal should grant the mental agony caused to the complainant and not to the mental agony caused to her husband. And moreover the supporting document filed by the complainant stating that, due to harassment and mental agony caused to her husband, the husband of the complainant fell sick and taken the treatment in the Hospital. It is pertinent to mention here that the discharge summary of the hospital filed by the complainant herself, clearly reveals that Mr.Ravi Shanker a 46 year old male presented with complaints of bilateral lower limb weakness since 3 months and left foot burning pain since 3 days. Now where does the question of mental agony arise.

For MODI REALTY GENOME VALLEY LLP

Authorized Representative

I submit that the act of the complainant by filing the false document before this Hon'ble Tribunal is clearly apparent on record to show that the complainant approached this Hon'ble court with unclean hands. The complainant by suppressing and misrepresenting the material particulars approached to this Hon'ble Tribunal with a dishonest intention to gain wrongfully and to cause wrongful loss to the Respondent.

I submit that this Hon'ble Tribunal has already conducted a trial and the grounds on which the amendment of complaint along with petition filed by the complainant is totally false and baseless, the same should be dismissed.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the amendment of complaint petition filed by the complainant on exemplary cost and pass such other order or order's as this Hon'ble Tribunal deems fit and proper in the circumstances of the case and in the interest of justice.

Date; 30.09.2024
Place: Hyderabad

For MODI REALTY GENOME VALLEY LLP

Authorized Representative
DEPONENT

BEFORE THE
ADJUDICATING OFFICER
TELANGANA
STATE REAL ESTATE
REGULATORY AUTHORITY
AT: HYDERABAD

C.C.P.No.05/2024/TG RERA

Between:

Smt Chiruvolu Naga Brunda
...Complainant

AND

M/s Modi Realty Genome
Valley LLP

..Respondent

COUNTER AFFIDAVIT
PRAYING TO DISMISS
THE AMENDMENT
OF COMPLAINT

Filed on : 30.09.2024

Filed by : Counsel for
Respondent

Address for Service:_____

P.Vikram Kumar
M.A.Lateef
Advocates
H.No.12-1-925/26/1to7
Flat No.403, Classic Mustafa
Tower, Feelkhana Lane,
Mallepally, Hyd-01
Mob:9985338487

BEFORE THE ADJUDICATING OFFICER TELANGANA
STATE REAL ESTATE REGULATORY AUTHORITY, DTCP
BUILDING, GROUND FLOOR, 640, AC GUARDS, MASAB
TANK, OPP PTI BUILDING AT: HYDERABAD

Inward IA.No. Of 2024
IN
C.C.P.No.05/2024/TG RERA

Between:

Smt Chiruvolu Naga Brunda
W/o C.Ravi Shanker
R/o H.No.1.8.22/71/202,
SV Nivas Kapra Malkajgiri

..Complainant

And

M/s Modi Realty Genome Valley LLP
Rep by its Partner Mr.Soham Modi
R/o 5-4-187, MG Road Secunderabad

... Respondent/Petitioner

PETITION FILED U/S 151 OF CPC PRAYING TO DISMISS
THE AMENDMENT PETITION

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the affidavit of amendment of complaint along with the petition filed by the complainant on the following grounds.

1. It is submitted that the complainant is already filed a sale deed of her flat and the same is considered by this Hon'ble Tribunal and marked as Exhibit No. A-2. When the document sale deed itself is marked and the Respondent has not taken any objection on that count. It is no way required for any further amendment of the complaint.
2. It is submitted that the complainant stating in her amendment of complaint that due to the harassment and mental agony caused

by the Respondent, the husband of the complainant fell sick and had to take treatment and supporting document of hospital bills and discharge summary were filed. Which is totally false and put to the strict proof of the same. The very first thing is that assuming but not admitting that, if any mental agony caused and any compensation shall be granted, the Hon'ble Tribunal should grant the mental agony caused to the complainant and not to the mental agony caused to her husband. And moreover the supporting document filed by the complainant stating that, due to harassment and mental agony caused to her husband, the husband of the complainant fell sick and taken the treatment in the Hospital. It is pertinent to mention here that the discharge summary of the hospital filed by the complainant herself, clearly reveals that Mr.Ravi Shanker a 46 year old male presented with complaints of bilateral lower limb weakness since 3 months and left foot burning pain since 3 days. Now where does the question of mental agony arouse.

3. It is submitted that the act of the complainant by filing the false document before this Hon'ble Tribunal is clearly apparent on record to show that the complainant approached this Hon'ble court with unclean hands. The complainant by suppressing and misrepresenting the material particulars approached to this Hon'ble Tribunal with a dishonest intention to gain wrongfully and to cause wrongful loss to the Respondent.

It is therefore prayed for the reasons mentioned in the accompanying affidavit and as described in this present petition that this Hon'ble Tribunal may be pleased to dismiss the amendment of complaint petition filed by the complainant on exemplary cost and pass such other order or order's as this Hon'ble Tribunal deems fit and proper in the circumstances of the case and in the interest of justice.

Date; 30.09.2024
Place: Hyderabad


Counsel for Respondent

BEFORE THE
ADJUDICATING OFFICER
TELANGANA
STATE REAL ESTATE
REGULATORY AUTHORITY
AT: HYDERABAD

C.C.P.No.05/2024/TG RERA

Between:

Smt Chiruvolu Naga Brunda
...Complainant

AND

M/s Modi Realty Genome
Valley LLP

..Respondent

PETITION FILED U/S 151 OF
CPC PRAYING TO DISMISS
THE AMENDMENT PETITION

Filed on : 30.09.2024

Filed by : Counsel for
Respondent

Address for Service:

P.Vikram Kumar
M.A.Lateef
Advocates
H.No.12-1-925/26/1to7
Flat No.403, Classic Mustafa
Tower, Feelkhana Lane,
Mallepally, Hyd-01
Mob:9985338487