

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

C.R.P. No.4182 OF 2015

ORDER :

The petitioner, who is plaintiff in O.S.No.624 of 1979 on the file of I Additional Junior Civil Judge, Madanapalle, sought amendment of plaint, after the suit was remanded back by the Hon'ble Supreme Court vide orders in Civil Appeal No.7299 of 2003, dated 19.10.2010.

The petitioner's application for amendment of plaint was contested and rejected by the Court below under the impugned order, which is questioned in this revision petition.

Learned counsel for the petitioner states that the amendment does not alter the cause of action or otherwise prejudice the defendants as they had also admitted the factual position in the written statement.

The order of remand passed by the Hon'ble Supreme Court is extracted hereunder:

"For the aforesaid reasons the judgments of the courts below are set aside and the matter is remitted back to the trial Court to take evidence on the question whether there was a valid adoption of the appellant by Savitramma."

The aforesaid order clearly shows that the remand by the Hon'ble Supreme Court was only for the purpose of taking evidence on the question whether there was a valid adoption of the appellant by Savitramma. The enlargement of the scope of proceedings before the trial Court on remand for a limited purpose, by way of amendment of plaint is clearly not permissible. Therefore, the impugned order does not warrant any interference of this Court.

Accordingly, the civil revision petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending in this petition, if any, shall stand closed.

VILAS V.AFZULPURKAR, J

03.11.2015

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