

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 218 OF 2015

ORDER:

Heard learned counsel for petitioner.

The petitioner is the defendant in O.S.No. 470 of 2011. The said suit was filed by the respondent herein, who is the sister of the petitioner for partition of schedule property. The petitioner filed written statement. But the present application, I.A.No. 1589 of 2014, was filed seeking amendment of the said written statement. After counter, the application of the petitioner was dismissed by an order dated 11.11.2014 by the learned Principal Junior Civil Judge, Kakinada. Challenging the said order, the present Civil Revision Petition is filed.

The proposed amendment of the written statement reads as follows:

“3A. After the death of father of this defendant the marriage of plaintiff was performed by the mother of this defendant by selling away their land fro an extent of Ac. 0.36 cents situated at Chollangi Village to meet the marriage expenses for giving gift to plaintiff's husband and for giving gold jewelry of weighing 10 tulas to the plaintiff the said land was sold to one Sikala Naganna of Chollangi Village.”

The application of the petitioner was dismissed on the ground that the proposed amendment was not supported by any documentary evidence and recital of the property.

A reading of the proposed amendment shows that the marriage of the plaintiff was performed by the mother of defendant by selling their land and the said fact was available at the time of filing of written statement. No reasons were shown except stating as follows:

“While I am discussing with my advocate to prepare my chief examination affidavit it was noticed by me that some important aspects which are mentioned below were not brought to the notice of my council at the time of preparing my written statement due to my unawareness of the legal proceedings. Therefore, I was advised to file this petition seeking amendments to my written statement as detailed in the petition for proper adjudication and for the ends of justice. There are no willful latches or

negligence on my party for not mentioning the above facts in my written statement at an early stage except the reason mentioned above. I humbly submit that no prejudice will be caused to the respondent/plaintiff for the proposed amendment”.

In view of the nature of the amendment, the order passed by the trial Court cannot be found fault. Accordingly, the Civil Revision Petition is dismissed. However, it is open to the petitioner to elicit the required facts from the cross-examination of the plaintiff/respondent at the time of hearing of O.S. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

A. RAMALINGESWARA RAO, J

DATE: 2.11.2015

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