

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

C.R.P.No.3914 of 2014

ORDER:

Heard Sri M.L.Ali, learned counsel for the petitioner and Sri Nimmagadda Satyanarayana, learned counsel for the respondent.

2. This Revision Petition is filed challenging the Order dt.04-09-2014 in I.A.No.300 of 2014 in O.S.No.125 of 2012 of the I Additional Junior Civil Judge, Eluru, refusing permission to the petitioner-defendant to amend the Written Statement by taking a plea that Eluru Municipal Corporation is also a necessary and proper party to the suit.

3. In the affidavit filed in support of this application for amendment, the petitioner had contended that in the draft Written Statement, the sentence that the said Municipal Corporation is a proper and necessary party to the suit was mentioned, but the same was not typed out in the Written Statement which was filed in the Court.

4. It is not disputed by the learned counsel for the petitioner that the said amendment was sought after cross examination of P.W.1. The Court below has rightly held that it is the duty of the petitioner to see what is contained in the draft Written Statement is also present in

the Written Statement filed in the Court and since the petitioner had not been diligent in this regard and since he has sought amendment after the trial has commenced, amendment cannot be permitted. Thus no error has been committed by the Court below in dismissing I.A.No.300 of 2014.

5. So the Civil Revision Petition is dismissed.
No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-07-2015

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