

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Civil Revision Petition No.3650 of 2015

ORDER:

This Civil Revision Petition is filed by the defendant in O.S.No.602 of 2009 on the file of the I Senior Civil Judge, City Civil Court, Hyderabad, aggrieved by the order dated 16.07.2015 passed in I.A.No.2069 of 2014. By the said order, the I.A., filed by the respondent-plaintiff company under Order VI Rule 17 read with Section 151 CPC is allowed permitting amendment of the respondent-plaintiff's company name as Aryam Steels (Private) Limited in place of Aryan Steels (Private) Limited (replacing 'N' with 'M').

It is contended by the learned counsel for petitioner that in view of proviso to Order VI Rule 17 CPC, I.A.No.2069 of 2014 ought to have been dismissed by the court below.

It is to be noticed that the amendment which is sought for is the name of the respondent-plaintiff's company as Aryam Steels (Private) Limited in place of Aryan Steels (Private) Limited (replacing 'N' with 'M'). A perusal of the impugned order makes it clear that printed vakalat is filed in which name of the respondent-plaintiff's company is shown as Aryam Steels (Private) Limited, but not Aryan Steels (private) Limited. Even after proviso is introduced to Order VI Rule 17 CPC, there is no absolute bar for seeking amendment after commencement of trial. As it is the case of the respondent-plaintiff company that, by oversight, alphabet 'N' is typed instead of 'M', it cannot be said that, in view of proviso added to Order VI Rule 17 CPC, the I.A., seeking to amend the name of the respondent-plaintiff's company, could not have been allowed.

In view of the reasons recorded by the Court below, this Court is of the view that this petition, filed under Article 227 of the Constitution of India, is liable to be dismissed.

Civil Revision Petition is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions if any pending in the Civil Revision Petition stand closed.

R. SUBHASH REDDY, J

October 1, 2015

MRR

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Civil Revision Petition Nos.3778 & 3827 of 2015

Between:

Sher Yar Khan ...Petitioner

and

Fazalunnisa Begum and others ... Respondents

Date of order pronounced: 18th September, 2015

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HON'BLE SRI JUSTICE R. SUBHASH REDDY _____

1. Whether Reporters of Local newspapers :
may be allowed to see the order?
2. Whether the copies of order may be :
marked to Law Reporters/Journals?
3. Whether His Lordship wishes to :
see the fair copy of the order?