

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No. 2955 of 2014

BETWEEN

Bellam Chandra Rao

... PETITIONER

AND

Moughal Mahboob Subhani

...RESPONDENT

The Court made the following:

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ORDER:

Petitioner, who is defendant in O.S.No.210 of 2011 on the file of Junior Civil Judge, Darsi, has filed the present revision aggrieved by the order dated 17.07.2014 allowing I.A.No.157 of 2014 filed by the respondent herein.

2. The aforesaid suit is instituted by the respondent for recovery of Rs.17,200/- based on a promissory note for Rs.10,000/- together with interest. Petitioner states that the name of one Bellam Chandra Rao is shown as defendant in the said suit but when the summons in the suit was sought to be served on him, petitioner is stated to have endorsed with the

process server that his name is Bellam Chandra Shekar and not Bellam Chandra Rao. In spite of the said protest, summons are stated to have been served on him and thereafter he engaged the counsel to appear for him and has contested the suit and one of the defenses raised by the petitioner is that he is not Bellam Chandra Rao

but Bellam Chandra Sekhar. While so, it appears that when the suit has progressed to the stage of arguments, respondent/plaintiff filed I.A.No.157 of 2014 seeking amendment of plaint by stating that the respondent/plaintiff came to know that the defendant is also called as Bellam Chandra Rao @ Chandra Sekhar Rao. Hence, sought for amendment to that extent. The said application was ordered by the court below, against which the present revision is filed by the petitioner.

3. Initially, on 05.09.2014, while issuing notice before admission, this Court granted interim stay as prayed for, which order was extended from time to time.

4. I have heard both the learned counsel.

5. Apparently, petitioner is taking advantage of the statement of P.W.1 in the cross-examination where P.W.1 asserts that the defendant is known as Bellam Chandra Rao and not Bellam Chandra Sekhar. In any case, since the respondent/plaintiff has now filed this application when the suit is alleged to be at the stage of arguments,

it would not be appropriate to interfere with the said order in view of the conduct of the petitioner herein. It does not really sound logical for the petitioner/defendant to accept the summons, engage a counsel,

file a written statement and contest the suit if really he is not the defendant. Since the petitioner/defendant is contesting the suit claiming to be Bellam Chandra Sekhar, the amendment sought for by the plaintiff to include the name Bellam Chandra Sekhar @ Bellam Chandra Rao for the defendant was rightly allowed by the court below to avoid multiplicity of proceedings. Hence, no interference is called for.

Civil revision petition is, accordingly, dismissed. The court below shall proceed further with the disposal of the suit from the stage at which it was

held up and decide the suit expeditiously. As a sequel, miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 19, 2015
LMV