

THE HONOURABLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.2511 of 2014

ORDER

This Revision is preferred against the order dated 14-07-2014 in I.A.No.8 of 2014 in O.S.No.254 of 2012 on the file of Additional Senior Civil Judge, Tenali, whereunder the trial Court allowed the L.R. application filed on behalf of the plaintiff and directed to implead the second respondent herein as second plaintiff in the suit and continued the proceedings. Revision petitioner is sole defendant in the said suit and according to his contention, the deceased-plaintiff as PW.1 denied the suggestion that he married to the second respondent and residing with her, therefore, she cannot be accepted as wife of deceased sole plaintiff.

2. On the other hand, it is the contention of advocate for respondent/plaintiff that second respondent herein filed Aadhar card to show that she is the wife of deceased-plaintiff and considering same, the Court below allowed LR application, therefore, objection of the defendant is not tenable.

3. Now the point that would arise for my consideration is:

“Whether the order of the trial Court is legal, correct and proper?”

4. Admittedly, the suit is filed for recovery of money basing on a pronote. Sole plaintiff died. Now second respondent herein filed LR application under Order 22 Rule 3 C.P.C. along with consequential amendments of the plaint and that petition was allowed.

5. Now main contention of the defendant is with regard to the suggestion denied by PW.1. As seen from the material, there is no document to substantiate the suggestion that was put to PW.1

with regard to relationship of second respondent herein with the deceased-plaintiff. Since the L.R. petition is allowed and consequential amendment is also permitted, the revision petitioner is at liberty to take this objection in the trial Court by filing necessary documents, if any available, on taking such objection it has to be decided by the trial Court during trial. Further, after necessary

consequential amendment defendant will have right to file written statement for such consequential amendment. If any such chance is not given, he should be given such opportunity to raise the necessary plea during trial with regard to the relationship between the second respondent and the deceased-plaintiff.

6. With these observations, the Civil Revision Petition is disposed of, holding that there is no illegality in the order of the trial Court.

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

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S. RAVI KUMAR, J

02-02-2015

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