

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

**FRIDAY THE THIRD DAY OF JULY
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 1400 OF 2015

Between:

Paturu Sundaraiah ... Petitioner

V/s.

Suri Ranga Nayakamma & Anr. ... Respondents

Counsel for the Petitioner : Sri Md. Saleem

Counsel for the Respondent : None appeared

The court made the following : [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 1400 OF 2015

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ORDER :

Defendant in OS.No. 316 of 2005 in the court of Principal Junior Civil Judge, Kovvur is the Revision Petitioner. The Revision is filed challenging the order dated 29/01/2015 in I.A.No.3 of 2015 in OS.No. 316 of 2005.

2. The respondents herein filed the suit for declaration and recovery of possession of plaint schedule properties against the Revision Petitioner herein. On 19/12/2008 the Revision Petitioner filed the written statement. On 08/04/2011 the Revision Petitioner was set ex-parte and the suit was decreed. On 14/8/2014 the ex-parte decree was set aside and thereafter the evidence of PWs 1, 3 and 4 was completed. On directions, the suit was adjourned to enable the Revision Petitioner to adduce oral evidence. At that stage, I.A.No.3 of 2015 was filed under Order 6, Rule 17 of CPC to amend the written statement as follows :

1. In para 3 of the written statement in 7th line after the word Audiseshamma add the following “are false, frivolous and invented for the purpose of the suit.”

2. In para 6 of the written statement in 3rd line delete the words “Rs.39,000/- and substitute with Rs.33,540/-.”

3. In para 6 of the written statement in 12th line delete the year 1996 and substitute with 1995.

4. In para 7 of the written statement in 1st line

delete the word "Babu Rao" and substitute with "Ranga Rao."

5. In para 10 of the written statement in 2nd line delete the words "ever been" and substitute with the word "never".

3. Through the order impugned in the Revision, the learned trial Judge primarily on the ground that the proposed amendment cannot be treated as typographical error and that inspite of accepting the due diligence these mistakes have crept in dismissed the application. Hence, the Revision.

4. Sri Mohammed Saleem, the learned counsel for the Revision Petitioner has substantially reiterated the contentions urged before the trial court.

5. I have perused the material available on record and the reasons assigned by the learned trial Judge for refusing the prayer of amendment. It is to be noted that the suit is of the year 2005, written statement was filed on 19/12/2008. The suit was decreed. At the instance of Revision Petitioner herein the ex-parte decree dated 08/04/2011 was set aside. The evidence of PWs 1, 3 and 4 is completed on the available pleadings. At this stage of the trial, in the name of typographical error the Revision Petitioner seeks amendment of written statement. In my considered view, no exception can be taken

to the reasons assigned by the learned trial Judge. No ground is made out. Revision is dismissed. No order as to costs.

6. As a sequel, Miscellaneous Petitions if any, pending in this civil revision petition shall stand closed.

JUSTICE S.V. BHATT

03/07/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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Date: 03/07/2015
Circulation No.
Court Master: I s L