

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

C.R.P.Nos.5584 & 5593 OF 2015

COMMON ORDER:-

These Civil Revision Petitions are filed under Article 227 of the Constitution of India challenging the orders, dated 29.9.2015, in I.A.Nos.766 and 696 of 2015 in O.S.No.1529 of 2012 passed by the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad.

2. Respondents/plaintiffs have filed the aforementioned suit against the petitioner/defendant for declaration of title in respect of the suit schedule property with a consequential relief of injunction and cancellation of the registered sale deed bearing document No.1290/1995, dated 01.03.1995, registered in the office of the Sub-Registrar, Azampura, Hyderabad. Pending suit, the petitioner/defendant has filed the aforementioned applications under Order VIII Rule 1(3) read with Section 151 C.P.C., to receive certain documents mentioned therein in support of the amendment application, and under Order VI Rule 17 C.P.C., to amend the written statement by permitting her to add new ground of defence to the written statement respectively, and the same were dismissed vide separate orders, dated 29.9.2015. Challenging the same, the present Civil Revision Petitions are filed.

3. I have heard learned counsel for the petitioner/defendant and also perused the material available on record.

4. It is fairly submitted by the learned counsel for petitioner/defendant during the course of arguments that the evidence on the side of the respondents/plaintiffs was over and the suit is coming up for the evidence of the petitioner/defendant. At that stage, the said applications were filed.

5. It is to be noticed that by seeking amendment, the petitioner/defendant wants to introduce a defence that the respondents/plaintiffs executed an affidavit-cum-declaration, dated 04.09.1998, and that the documents in question were within the knowledge and possession of the petitioner/defendant even on the date of filing the written statement and hence, there is no reason to raise such a plea. Further, in view of the specific bar contained under Order VI Rule 17 C.P.C., that amendment cannot be permitted after commencement of trial, the petitioner/defendant failed to satisfy the Court that her plea falls within the proviso to Order VI Rule 17 C.P.C.

6. In that view of the matter and having regard to the reasons assigned in the impugned orders, there is no reason in interfering with the impugned orders at this stage. The Civil Revision Petitions are devoid of merit and are liable to be dismissed.

7. Accordingly, these Civil Revision Petitions are dismissed. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in these Civil Revision Petitions shall stand closed.

JUSTICE R.SUBHASH REDDY

Date: 23.12.2015
AMD

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

C.R.P.Nos.5584 & 5593 OF 2015

-
-
-
-

Dated: 23.12.2015

AMD