

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**CIVIL REVISION PETITION No.2422 of 2014**

**ORDER:**

The petitioner herein is the plaintiff in the suit and the petitioner in I.A. No.182 of 2014 in O.S. No.85 of 2003. The application in I.A. No.182 of 2014 was filed, under Order 6 Rule 17 CPC, seeking permission to amend the plaint and the rejoinder. By the order under revision, the Court below held that the trial in the suit had commenced more than a year ago; the amendment would cause injustice to the opposite party, and take away valuable rights accrued in their favour; the amendment was sought to explain evidentiary facts which was impermissible; and the plaintiff had failed to exercise due diligence before commencement of trial.

The proviso to Order 6 Rule 17 requires the Court below to permit an amendment to the pleadings only if the applicant is able to satisfy it that, despite due diligence, he was unable to seek amendment of the pleadings earlier. The Court below has held against the petitioner on the due diligence test.

Sri T. Janardhan Rao, Learned Counsel for the petitioner, is unable to show that the petitioner had exercised due diligence despite which he could not file the petition, seeking amendment of the pleadings, earlier. The order of the Court below does not suffer from any patent illegality necessitating interference in proceedings under Article 227 of the Constitution of India. The Civil Revision Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed.

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**(RAMESH RANGANATHAN, J)**

Date: 06.03.2015

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