

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION No.1627 of 2016

ORDER:

This Revision is preferred against the order passed by the Senior Civil Judge, Yellamanchili in I.A. No.830 of 2015 in O.S. No.29 of 2008 dated 22.12.2015.

The petitioner herein is the sole defendant in the Suit filed in the year 2008 wherein a written statement was filed by him. The present I.A. was filed, under Order VI Rule 17 CPC, requesting the Court below to permit amendment of the written statement on the ground that, at the time the written statement was drafted, the petitioner did not mention the corrections as shown in the petition schedule; and, failure to mention such corrections, necessitates amendments of the written statement. By the order under revision, the Court below observed that granting permission, to carry out an amendment would displace the pleadings constituting admissions in the written statement; it would also amount to incorporation of omissions in the written statement by way of an amendment; trial had already commenced, and both plaintiff and the defendants had produced their oral and documentary evidence; after closing of further evidence, the matter was coming up for arguments; and as per the proviso to Order VI Rule 17 CPC, the petitioner's request, to amend the written statement, could not be acceded to.

Sri C. Upendra, Learned Counsel for the petitioner, would draw attention of this Court to the affidavit filed in support of the I.A. to contend that the petitioner could not bring all these facts of the notice to his Counsel because of his old age. The petitioner claims to be 75 years old now, and must have been 68 years old when the suit was filed. While it is debatable whether the petitioner can be said to be old aged when he filed his written statement earlier, old age, by itself, is no justification for seeking amendment of the written statement, and does not satisfy the requirement of the proviso to Order 6 Rule 17.

The jurisdiction, which this Court exercises under Article 227 of the

Constitution of India, is supervisory and, save patent illegality, this Court would refrain from exercising jurisdiction, under Article 227 of the Constitution of India, to interfere. As the order passed by the Court below does not suffer from any patent illegality, I see no reason to exercise discretion, under Article 227 of the Constitution of India, to interfere. The Civil Revision Petition fails and is, accordingly, dismissed. The miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

01.04.2016.

MRKR