

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.2572 of 2016

ORDER:

1. The petitioner herein is the 4th respondent in E.O.P.No.1 of 2013. The 1st respondent herein filed the said Election Petition challenging the election of the 4th respondent. The 5th respondent herein is shown as the 5th respondent in the said Election Petition. The 1st respondent herein also filed I.A.No.476 of 2016 seeking to amend the name of the 5th respondent as Atmakur Vengaiah, S/o Narasimhulu, Election Officer, instead of A.Venkaiah in the main petition and for other reliefs. The said application was supported by an affidavit stating that she came to know about the correct name of the 5th respondent when the 5th respondent filed a petition to set aside the ex parte order passed against him by the trial Court on 07.03.2014. Since she was not aware of the correct name of the 5th respondent, the mistake has occurred.

2. Respective counters were filed by the respondents 4 and 5 before the trial Court. The 4th respondent (petitioner herein) stated that the petition cannot be allowed as the 1st respondent herein wanted to amend not only the name of the 5th respondent as Vengaiah instead of Venkaiah, but also his surname as Atmakur. It was further stated that the 1st respondent herein was not diligent in filing the Election Petition. The 5th respondent stated in his counter that if the amendment is allowed, much injustice will be caused to him.

3. The 5th respondent is not a contesting party to the Election Petition, but is an Election Officer, who conducted the election. The trial Court allowed the application by order dated 29.04.2016 with the following observations:

“As seen from the material and also as discussed
supra merely allowing the petition for adding the name of the 5th

respondent as Atmakur Vengaiah, S/o Narasimhulu will not cause any prejudice to both parties and further the 5th respondent himself has come before this Court stating that his name is Atmakur Vengaiah and that this Court is of the considered opinion that there are *bona fides* on the part of the petitioner and the proposed amendment will not change the basic structure and material facts on the record. In view of the discussion supra, the petition is allowed partly to the extent of adding the name of the 5th respondent as Atmakur Vengaiah, S/o Narasimhulu, accordingly the point is answered.”

4. I have carefully perused the material on record and since the amendment is only to the name of the 5th respondent, who was functioning as an Election Officer at the relevant point of time, I am of the opinion that the impugned order does not warrant any interference by this Court.

5. The Civil Revision Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

08-07-2016

Gsn