

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

C.R.P. No.5012 of 2015

Between:

Kambhampati Anjaneyulu and others

...

Petitioners

And

Kambhampati Gopala Rao

...

Respondent

JUDGMENT PRONOUNCED ON 12.02.2016

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

C.R.P. No.5012 of 2015

ORDER:

This revision petition has been filed aggrieved by the docket order dated 30.07.2015 made in I.A. No.1052 of 2014 in O.S. No.386 of 2013 by the Principal Senior Civil Judge, Gudivada.

I.A. No.1052 of 2014 in O.S. No.386 of 2013 has been filed seeking to grant permission to amend the pleadings of the plaint wherein the Court below vide its docket order dated 30.07.2015 allowed to amend the plaint pleadings. Aggrieved by the same, present revision petition has been filed.

As could be seen, revision petitioners, who are respondents in the said application, while denying the averments of the respondent herein filed counter affidavit, *inter alia*, stating that after knowing the facts mentioned in their written statement and counter, the respondent herein, as an afterthought, filed the said application to fill up the lacunae in his plaint by seeking permission to amend the plaint. It is also stated that if really the respondent herein had filed the said application, before the Court below, before filing written statement and counter by the revision petitioners that would be the different situation.

After considering the material on record, the Court below passed the following docket order, which reads as under:

“Perused the case records. In the suit the issues have not been framed and trial is not yet commenced. The proposed amendment is only seeking to state some additional facts but the same neither changes the cause of action nor the nature of the suit. So considering the same I feel that the petitioner can be permitted to amend the plaint to include the facts proposed in this petition. Whether those facts are true or not cannot be decided in this petition. The respondents are at liberty to file an additional written statement stating about their case in respect of the facts proposed in the amendments sought for, after the amendment is carried out with its consequential amendments in the

plaint. Hence this petition is allowed.”

It is clear from the above that in the suit issues have not been framed and the trial has not been commenced and more so, the Court below felt that the proposed amendment is only seeking to state some additional facts but the same neither changes the cause of action nor the nature of the suit. Further, the Court below did not chose to decide whether those facts are true or not and the revision petitioners were given liberty to file an additional written statement stating about their case in respect of the facts proposed in the amendments sought for, after the amendment is carried out with its consequential amendments in the plaint. In that view of the matter, this Court is of the view that no prejudice would be caused with the impugned docket order and therefore, I do not see any reason to interfere with the impugned docket order as the same does not suffer from any legal infirmity and therefore, the present revision petition is liable to be dismissed.

Accordingly, this revision petition is dismissed.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 12.02.2016

LSK