

HON'BLE SRI JUSTICE R. KANTHA RAO

Civil Revision Petition No.60 of 2016

ORDER:

Heard Sri G.Ravi, learned counsel appearing for the petitioners.

2. In a suit for permanent injunction filed by the respondent/plaintiff, the sole plaintiff died. The petition to bring the legal representatives of the plaintiff on record was filed with a delay of 70 days and the said petition was allowed. But the respondents did not take any steps to amend the plaint within 14 days from the date of order. Subsequently, the revision petitioners filed a petition under Section 151 CPC before the trial court to dismiss the suit for not making the amendment within 14 days from the date of order to bring the legal representatives on record. The said petition was dismissed. Feeling aggrieved, the petitioners/defendants filed the present revision petition.

3. The contention of the revision petitioners is that the respondent did not file any application before the trial court seeking extension of time and therefore, the suit is liable to be dismissed for not making the amendment within time.

4. Perused the impugned order. The learned trial court rightly took the view that the suit shall be decided only on merits but not on technical grounds. Absolutely, I do not find any error committed by the trial court in dismissing the application filed by the revision petitioners and there are no valid grounds to interfere with the findings of the learned court below.

5. Consequently, the civil revision petition is dismissed at the stage of admission. No order as to costs. Miscellaneous petitions, pending if any in this case, shall stand closed.

R. KANTHA RAO, J

Date: 05.02.2016
BSS

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