

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.1468 of 2014

ORDER:

The unsuccessful petitioners/plaintiffs had filed this revision petition under Article 227 of the Constitution of India assailing the orders dated 30.04.2014 of the learned Senior Civil Judge, Piler passed in I.A.no.288 of 2013 in O.S.No.74 of 2011 filed under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 requesting to permit the plaintiffs to amend the plaint by adding paragraph 8(a) after paragraph (8) and also to permit to make necessary amendments in paragraph 10 (valuation paragraph) and also in the relevant portion of the plaint as stated in the affidavit and the petition list.

2. I have heard the submissions of the learned counsel appearing for the petitioners/plaintiffs ('the plaintiffs', for brevity) and the learned counsel for the respondents/defendants ('the defendants', for brevity). The other respondents are stated to be not necessary parties. I have perused the material record.

3. The facts, which are necessary to be stated as a prelude to this order, in brief, are as follows:-

The plaintiff brought the suit for perpetual injunction *inter alia* claiming that the suit schedule property originally belonged to Kommineni Hanumathu and his brothers and that after their deaths, the suit property devolved upon K.Venkatappa and K.Sanjevee and that on 03.12.1990, K.Venkatappa and his family members partitioned the suit property and other properties and that in that partition, K.Venkatappa and others got the suit schedule property towards their share under partition deed dated 03.12.1990 and that the father of the plaintiffs got the said property under a family registered partition deed dated 17.06.1977 and also under a sale deed dated 04.12.1980 and that after the death of their father, the plaintiffs had succeeded to the suit property and had perfected their right, title and interest even by adverse possession also.

The defendants had filed a written statement resisting the suit; they are *inter alia* contending that the 1st defendant had purchased the suit schedule property from third parties under registered sale deed dated 03.03.2011 and that he had already filed a suit in O.s.No.98 of 2011 against the plaintiffs seeking declaration of title and perpetual injunction. According to the plaintiffs, they are advised to seek amendment of the plaint and claim the relief of declaration of title and perpetual injunction as the defendants had denied their title in respect of the suit schedule property. Hence, the plaintiffs had filed the aforementioned interlocutory application before the trial Court. The defendants had resisted the application by filing a counter. On merits, the trial Court had dismissed the said petition. Hence, the plaintiffs are before this Court.

4. The case of the plaintiffs in support of their request for amendment of the plaint, in brief, is as follows:

The plaintiffs brought the suit for perpetual injunction on the basis of the material averments stated in the plaint including the averments, which are stated supra. The defendants are resisting the suit by setting up title in themselves and by denying the title of the plaintiffs. The property was mutated in the name of the father of the plaintiffs in the revenue records. Ryot passbooks and the title deed books were also issued in favour of the father of the plaintiffs in respect of the suit schedule property. On the death of their father, the plaintiffs had succeeded to the suit schedule property. The suit schedule property has been in continuous and peaceful possession and enjoyment of the plaintiffs and their predecessors-in-interest for over 100 years and the plaintiffs had perfected their right, title and interest by adverse possession as well. The defendants have neither possession nor any manner of right over the same. When the defendants had tried to dispossess the plaintiffs from the plaint schedule property in the month of May, 2011, the suit was brought for perpetual injunction. Since the defendants had denied the title of the plaintiffs and had contended that the 1st defendant had purchased the plaint schedule property under a registered sale deed dated 30.03.2011 and had also obtained revenue records by influencing the

revenue authorities and had filed O.S.no.98 of 2011 against the plaintiffs herein in respect of the plaint schedule property for declaration of title and perpetual injunction, the plaintiffs are obliged to seek amendment of the plaint as stated in the petition list. The plaintiffs are resisting the suit of the defendants.

5. The case of the defendants as stated in the counter of the 1st respondent and the common counter of the respondents 3 and 4, in brief, is this:

In the defence, it is categorically stated that the documents being relied upon by the plaintiffs are nominal and baseless and that the said documents were not acted upon. The paternal grandfather of one of the defendants, namely, Shaik Imam Mohiddin Saheb purchased the suit property admeasuring Ac.2.81 cents under a registered sale deed dated 02.01.1930 from his vendors who are the lawful owners. Ever since the date of the said purchase, the predecessors of the 1st defendant were in possession and enjoyment of the suit schedule property; and later, the 1st defendant is continuing in possession and enjoyment of the property. Without mentioning a specific cause of action, the plaintiffs had brought the suit for perpetual injunction. They are not entitled to seek declaration of title on the same cause of action. The proposed amendment is intended to plug the loopholes in the case of the plaintiffs. The plaintiffs ought to have filed the suit for appropriate relief at the earliest point of time. The petition is intended to protract the litigation. The market value as mentioned in the proposed amendment is incorrect and baseless. The suit is undervalued to suit the convenience of the plaintiffs. The proposed amendments as shown in the proposed valuation paragraphs and the court fee paragraphs are incorrect. If the amendment as sought for is permitted, the scope of the suit would be enlarged. At the request of the plaintiffs herein, both the suits are consolidated as per orders dated 12.06.2013 in I.A.no.410 of 2011. The alleged revenue records being relied upon by the plaintiffs are got up records. They have no right, title and interest in the suit schedule property and to file a suit. The market value of the property is very high. The

defendants 3 and 4 had also filed an additional written statement. Hence, the petition may be dismissed.

6. At the time of hearing of the interlocutory application, no oral and documentary evidence was adduced by either of the parties. The trial Court dismissed the petition of the plaintiffs having noted that the issues were settled on 22.06.2012 and that after the settlement of the issues, the suit was adjourned several times and that the suit was adjourned for trial for more than one year and that the plaintiffs instead of adducing the evidence on their side had filed the application for amendment and that the plaintiffs could not plead and establish as to why they could not file this petition immediately on the filing of the written statement by the defendants and that the plaintiffs are debarred from seeking amendment once the trial has commenced on framing of issues.

7. The learned counsel for both the sides made submissions in line with the respective cases of the parties, which are stated supra.

8. The learned counsel for the plaintiffs would contend as follows: "Only issues have been framed and no oral and documentary evidence was adduced by the parties. Hence, in the present context, it cannot be said that the trial has commenced. Therefore, the Court below ought to have seen that the trial has not commenced. The observation of the trial Court that the trial had commenced with the settlement of issues is incorrect. Though issues were settled, the suit was being adjourned as the trial court is taking up old matters and matters, which are identified and which were instituted prior to the instant suit. The trial court ought to have seen that the proposed amendment neither changes the nature of the suit nor alters the cause of action in any way and that if the amendment is allowed, no prejudice would be caused to the defendants, as the defendants had also filed a suit for declaration of title and that the said suit is clubbed with the instant suit of the plaintiffs. Merely on the ground of delay, the trial Court ought not to have dismissed the petition filed for amendment of the plaint. The trial Court ought to have seen that a suit for injunction can always be converted into a suit for

declaration of title, if the facts of the case warrant such conversion. The Court below ought to have seen that the amendments as sought for by the plaintiffs are necessary for the purpose of determining the real question in controversy and, therefore, the amendment sought for deserved to be allowed. The observations of the trial Court that the petitioners could not plead and prove that they could not file the present application before commencement of trial, despite due diligence and that therefore, this petition is not maintainable are incorrect. The trial Court erred in not considering the ratios in the precedents cited before it.”

9. The learned counsel for the defendants while supporting the orders of the Court below would contend as follows: “As per the settled legal position, the trial commences with the settlement of issues. Though the issues were settled more than a year back, the plaintiffs did not get ready to adduce evidence on their side and had filed this petition belatedly in order to cover up the laches and plug the loopholes and to delay and drag on the matter. Despite the fact that the defendants had denied the title of the plaintiffs in their written statement and filed a separate suit for declaration of title and perpetual injunction, the plaintiffs did not take steps immediately for amendment of their plaint. Further, the plaintiffs did not offer any explanation for not seeking the amendment at the earliest opportunity. The conduct of the plaintiffs shows that they are not diligent in seeking the amendment. In the facts and circumstances of the case, the observations of the trial Court are correct. The well reasoned order of the Court below does not warrant interference.”

10. I have bestowed my attention to the facts and the submissions. I have carefully gone through the pleadings of the parties. It is profitable to first refer to the legal position obtaining.

11. In **J.Samuel and others v. Gattu Mahesh and others**^[1] the Supreme Court while dealing with an application for amendment had held as follows:

“In the given facts, there is a clear lack of “due diligence” and the mistake committed certainly does not come within the preview of a typographical error. The term “typographical error” is defined as a mistake made in the printed/typed material during a printing/typing process. The term includes errors due to mechanical failure or slips of the hand or finger, but usually

excludes errors of ignorance. Therefore, the act of neglecting to perform an action which one has an obligation to do cannot be called as a typographical error. As a consequence the plea of typographical error cannot be entertained in this regard since the situation is of lack of due diligence wherein such amendment is impliedly barred under the Code.”

In **Siginam Uma v. Siginam Rajeswaramma**^[2] relied upon by the learned counsel for the defendants, this Court had held that any amendment, which would change the entire cause of action, if permitted, cannot be allowed as such a course would cause grave injustice to the opposite party.

In **Rajkumar Gurawara (dead) through L.Rs v. S.Sarwagi and Company Private Limited and Another**^[3], the Supreme Court having referred to Order VI Rule 17 of the Code had held as follows:

“Further, it is relevant to point out that in the original suit, the plaintiff prayed for declaration of his exclusive right to do mining operations and to use and sell the suit schedule property and in the petition filed during the course of the arguments, he prayed for recovery of possession and damages from the second defendant. It is settled law that the grant of application for amendment be subject to certain conditions, namely, (i) when the nature of it is changed by permitting amendment; (ii) when the amendment would result in introducing new cause of action and intends to prejudice the other party; (iii) when allowing amendment application defeats the law of limitation.”

Before proceeding further, it is necessary to refer to the proviso to Order VI Rule 17 of the Code reads as under:

“Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement of trial.”

In the decision in **VIDYABAI V/s. PADMALATHA**^[4] the Supreme Court observed that proviso to Order VI Rule 17 of the Code is couched in a mandatory form and, therefore, the court’s jurisdiction to allow an application for amendment is taken away there under unless the conditions precedent therefor are satisfied, and that before allowing amendment, the Court must come to a conclusion that in spite of due diligence the parties could not have raised the matter before the commencement of the trial and that it is the primary duty of the Court to decide as to whether such an amendment is necessary to decide the real dispute between the parties and only if such a condition is fulfilled, the amendment is to be allowed. Thus, the proviso appended to Order VI Rule 17 of the Code was held to restrict the power of

the Court and that it placed an embargo on exercise of its jurisdiction and that unless the jurisdictional fact as envisaged therein is found to exist, the court would have no jurisdiction at all to allow the amendment.

In **REVAJEETU BUILDERS V/s NARAYANA SWAMY**^[5], on an analysis of English and Indian case law, the Supreme Court carved out the following principles which should weigh with the Court while dealing with an application for amendment:

- (1) Whether the amendment sought is imperative for proper and effective adjudication of the case;
- (2) Whether the application for amendment is *bona fide* or *mala fide*;
- (3) The amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;
- (4) Refusing amendment would in fact lead to injustice or lead to multiple litigation;
- (5) Whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case; and
- (6) As a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.

The Supreme Court, however, clarified that the above principles were illustrative and not exhaustive.

In **CHANDER KANTA BANSAL V/s. RAJINDER SINGH**^[6], the Supreme Court, taking note of the fact that 'due diligence' has not been defined in the Code, referred to the dictionary meaning of 'diligence' which is to the effect that it means careful and persistent application or effort or a continual effort to accomplish something; care; caution; the attention and care required from a person in a given situation, and observed that 'due diligence' means the diligence reasonably expected from and ordinarily exercised by a person who seeks to satisfy a legal requirement or to discharge an obligation. Reference was also made to 'Words and Phrases' by Drain-Dyspnea (Permanent Edition 13-A) wherein 'due diligence' was defined in law to mean doing everything reasonable and not everything possible. The Hon'ble Supreme Court, therefore, concluded that 'due diligence' would mean reasonable diligence and would mean such diligence as a prudent man would exercise in the conduct of his own affairs. Further, in the decision

i n **Abdul Rehman and Another v. Mohd. Ruldu and Others**^[7], the Supreme Court, having taken note of the above provision of law had laid down that it is clear that the parties to the suit are permitted to bring forward amendment of the pleadings at any stage of the proceeding for the purpose of determining the real question in controversy between them and that the Courts have to be liberal in accepting the same, if such application for amendment is made prior to the commencement of the trial and that if such application is made after the commencement of the trial, in that event, the Court has to arrive at a conclusion that, inspite of due diligence, the party could not have raised the matter before the commencement of the trial. In the above decision the Supreme Court reiterated the following proposition:

“All amendments which are necessary for the purpose of determining real questions of controversy between the parties should be allowed if it does not change the basic nature of the suit. A change in the nature of relief claimed shall not be considered as a change in the nature of suit and the power of amendment should be exercised in the larger interests of doing full and complete justice between the parties.”

In the above decision the Hon’ble Supreme Court further referred to the ratio in the decision in **Pankaja and another v. Yellappa**^[8], which runs as follows:

“If the granting of amendment really sub-serves the ultimate cause of justice and avoids further litigation, the same should be allowed.”

In **Pankaja and another v. Yellappa (D) by LRs and others**^[9] the facts are as under: “As per the case of the plaintiffs, the defendant, in violation of the Court order, had further encroached into the suit property. Therefore, the plaintiffs sought for the amendment of the plaint for seeking the reliefs of declaration of ownership and possession of the said encroached area also. The said application was allowed by the trial Court. However, the Principal Civil Judge rejected the application for amendment on the ground that the application for amendment was filed at a belated stage. The High Court dismissed the revision on the said ground and also on the ground that the amendment introduces a different relief than what was originally asked for. The Supreme Court permitted the amendment by allowing the appeals.

In **Sampath Kumar v. Ayyakannu and another**^[10] the facts and

ratio are as under: “A suit was brought in the year 1988 for perpetual injunction in respect of an agricultural land. Before the commencement of the trial in the year 1999, the plaintiff moved the application for amendment of the plaint alleging that during the pendency of the suit, the defendant had forcibly disposed the plaintiff in the year 1989. On such averments the plaintiff sought for the relief of declaration of title to the suit property and consequential relief of recovery of possession. The defendant opposed the application of the plaintiff stating that he had perfected title to the property by adverse possession and that the suit is barred by law of limitation and that a valuable right that had accrued to the defendant is being sought to be taken away by proposed the amendment. The trial Court rejected the application for amendment observing that the appropriate course for the plaintiff was to bring a new suit. The High Court maintained the said order. The Supreme Court while allowing the appeal of the plaintiff had referred to its earlier decisions and had finally held as follows:

8. *Rukhmabai v. Lala Laxminaraya and Ors.* [(1960) 2 SCR 253], this Court has taken the view that where a suit was filed without seeking an appropriate relief, it is a well settled rule of practice not to dismiss the suit automatically but to allow the plaintiff to make necessary amendment if he seeks to do so.

9. Order 6 Rule 17 of the CPC confers jurisdiction on the Court to allow either party to alter or amend his pleadings at any stage of the proceedings and on such terms as may be just. Such amendments as are directed towards putting-forth and seeking determination of the real questions in controversy between the parties shall be permitted to be made. The question of delay in moving an application for amendment should be decided not by calculating the period from the date of institution of the suit alone but by reference to the stage to which the hearing in the suit has proceeded. Pre-trial amendments are allowed more liberally than those which are sought to be made after the commencement of the trial or after conclusion thereof. In former case generally it can be assumed that the defendant is not prejudiced because he will have full opportunity of meeting the case of the plaintiff as amendment. In the latter cases the question of prejudice to the opposite party may arise and that shall have to be answered by reference to the facts and circumstances of each individual case. No strait-jacket formula can be laid down. The fact remains that a mere delay cannot be a ground for refusing a prayer for amendment.

10. An amendment once incorporated relates back to the date of the suit. However, the doctrine of relation back in the context of amendment of pleadings is not one of universal application and in appropriate cases the Court is competent while permitting an amendment to direct that the amendment permitted by it shall not relate back to the date of the suit and to the extent permitted by it shall be deemed to have been brought before the Court on the date on which the application seeking the amendment was filed. (See observations in *Siddalingamma and Anr. v. Mamtha Shenoy*: [(IR 2001 SC 2896].

11. In the present case the amendment is being sought for almost 11 years after the date of the institution of the suit. The plaintiff is not debarred from instituting a new suit seeking relief of declaration of title and recovery of possession on the same basic facts as are pleaded in the plaint seeking relief of issuance of permanent prohibitory injunction and which is pending. In order to avoid multiplicity of suits it would be a sound exercise of discretion to permit the relief of declaration of title and recovery of possession being sought for in the pending suit. The plaintiff has alleged the cause of action for the reliefs now sought to be added as having arisen to him during the pendency of the suit. The merits of the averments sought to be incorporated by way of amendment are not to be judged at the stage of allowing prayer for amendment. However, the defendant is right in submitting that if he has already perfected his title by way of adverse possession then the right so accrued should not be allowed to be defeated by permitting an amendment and seeking a new relief which would relate back to the date of the suit and thereby depriving the defendant of the advantage accrued to him by lapse of time, by excluding a period of about 11 years in calculating the period of prescriptive title claimed to have been earned by the defendant. The interest of the defendant can be protected by directing that so far as the reliefs of declaration of title and recovery of possession, now sought for, are concerned the prayer in that regard shall be deemed to have been made on the date on which the application for amendment has been filed.

12. In support of the contention that the aspect that the application for amendment is debarred in view of the proviso to Order 6 Rule 17, reliance was placed on the decision in **Usha Devi v. Rijwan Ahamd**^[11]. In the said decision, a contention was advanced that the trial of the suit would commence with the settlement of the issues and in support of the said contention that the framing of issues marked the commencement of trial of the suit reliance was placed upon the decision in **Ajendraprasadji N.Pandey v. Swami Keshavprakeshdasji** [(2006) 12 SCC1]. However, while meeting the said contention, the attention of the Supreme Court was invited to the decision of the Supreme Court in **Baldev Singh v. Manohar Singh** [(2006) 6 SCC 498] wherein it was held as follows:

“Before we part with this order, we may also notice that proviso to Order 6 Rule 17 CPC provides that amendment of pleadings shall not be allowed when the trial of the suit has already commenced. For this reason, we have examined the records and find that, in fact, the trial has not yet commenced. It appears from the records that the parties have yet to file their documentary evidence in the suit. From the record, it also appears that the suit was not on the verge of conclusion as found by the High Court and the trial court. That apart, commencement of trial as used in proviso to Order 6 Rule 17 in the Code of Civil Procedure must be understood in the limited sense as meaning the final hearing of the suit, examination of witnesses, filing of documents and addressing of arguments. As noted hereinbefore, parties are yet to file their documents, we do not find any reason to reject the application for amendment of the written statement in view of proviso to Order 6 Rule 17 CPC which

confers wide power and unfettered discretion to the court to allow an amendment of the written statement at any stage of the proceedings.”

The Supreme Court having referred to a three-judge Bench decision in **Sajjan Kumar v. Ram Kishan** ^[12], held as follows:

“Having heard the learned Counsel for the parties, we are satisfied that the appeal deserves to be allowed as the trial court, while rejecting the prayer for amendment has failed to exercise the jurisdiction vested in it by law and by the failure to so exercise it, has occasioned a possible failure of justice. Such an error committed by the trial court was liable to be corrected by the High Court in exercise of its supervisory jurisdiction, even if Section 115 CPC would not have been strictly applicable. It is true that the plaintiff-appellant ought to have been diligent in promptly seeking the amendment in the plaint at an early stage of the suit, more so when the error on the part of the plaintiff was pointed out by the defendant in the written statement itself. Still, we are of the opinion that the proposed amendment was necessary for the purpose of bringing to the fore the real question in controversy between the parties and the refusal to permit the amendment would create needless complications at the stage of the execution in the event of the plaintiff-appellant succeeding in the suit.”

Thus in Usha Devi’s case, the Supreme Court, keeping in view of the decision in Sajjan Kumar (supra), held as follows:

“We may clarify here that in this order we do not venture to make any pronouncement on the larger issue as to the stage that would mark the commencement of trial of a suit but we simply find that the appeal in hand is closer on facts to the decision in Sajjan Kumar and following that decision the prayer for amendment in the present appeal should also be allowed.”

13. Coming to the case on hand, it is trite to mention that the facts of the case on hand are akin to the facts of the cases in **Usha Devi and Sajjan Kumar** (supra). Therefore, in the well-considered view of this Court, the bar under the proviso to Order VI Rule 17 of the Code is not applicable to the case on hand. What is to be noted in the case on hand is that the plaintiffs having filed the suit for perpetual injunction submit that in view of the defence of the defendants denying title of the plaintiffs in respect of the plaint schedule property, they are advised to seek amendment of the plaint to seek the relief of declaration of title and also consequential amendments of the plaint and that therefore, they are constrained to file the present petition for amendment and that if the amendment proposed is not granted, there is a likelihood of complex situations arising leading to multiplicity of litigation and that therefore, to give a quietus to the litigation and to avoid further litigation, the plaintiffs are seeking amendment and that in the facts and circumstances of

the case, seeking the relief of declaration of title is imperative. Even as per the precedential guidance of the Supreme Court, the amendment, if it is intended to determine the real question in controversy and to decide the dispute between the parties, the same should be allowed if the proposed amendment will not change the basic nature of the suit. Further, the plaintiffs are not precluded from bringing another suit based on the present pleadings constituting the cause of action. A change in the nature of relief claimed shall not be considered as a change in the nature of suit and the power of amendment should be exercised in the larger interests of doing full and complete justice between the parties. Further, if the granting of amendment really sub-serves the ultimate cause of justice and avoids further litigation, the same should be allowed. The defendants in fact filed a suit for declaration of title in respect of the very same property and the said suit is directed to be consolidated with the present suit for disposal after conducting joint trial. Further, as rightly contended by the learned counsel for the plaintiffs, the trial Court was in error in dismissing the amendment petition on the ground that if the amendment petition is allowed the jurisdiction of the Court would be ousted. Coming to the *proviso to Order VI Rule 17 of the Code*, in view of the decision of the Supreme Court in **Sampath Kumar** case (supra), this Court finds that as the plaintiffs are seeking the reliefs of declaration of title in the pending suit filed for the relief of permanent injunction and on the basic facts pleaded in the plaint, it would be a sound exercise of discretion to permit the amendment of the plaint to enable the plaintiffs to seek the reliefs of declaration of title also in the pending suit. Therefore, on the ground of delay, the amendment cannot be refused. Since the dominant purpose of the Rule is to minimise the litigation and to enable the parties to have all the issues relating to one dispute resolved in one suit, the amendment sought for by the plaintiffs can be allowed, in the considered view of this Court. As rightly pointed out, the question whether the plaintiffs would be entitled to the reliefs now being claimed by way of proposed amendments cannot be prejudged while considering an application, which is filed for seeking the amendment of the plaint. In the well considered view of this Court, if the amendment, though sought for belatedly, is permitted it also helps in avoiding the multiplicity of

the proceedings and in setting at rest the dispute between the parties once and for all. Since the dominant purpose of the Rule is to minimize the litigation and to enable the parties to have all the issues relating to one dispute resolved in one suit, the amendment sought for by the plaintiff can be allowed, in the well-considered view of this Court. In order to avoid multiplicity of suits, it would be a sound exercise of discretion to permit the amendment being sought for in the pending suit. As per the precedential guidance, the well settled rule of practice is not to dismiss the suit automatically but to allow the plaintiff to make necessary amendment, if the plaintiff seeks to do so. Therefore, for all the aforesaid reasons, this Court finds that the granting of amendment of the plaint really sub-serves the ultimate cause of justice and avoids further litigation. Therefore, this Court holds that the amendment sought for by the plaintiffs deserves to be allowed.

14. Viewed thus, this Court finds that the trial Court is not justified in dismissing the application of the plaintiffs and that, therefore, the order impugned warrants interference.

15. In the result, the Civil Revision Petition is allowed by setting aside the order impugned. As a sequel, I.A.no.288 of 2013 in O.S.no.74 of 2011 stands allowed. The trial Court shall now permit the plaintiffs to carry out the amendment of the plaint and pay the necessary deficit Court fee, if any payable, and to file a neat copy of the plaint.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

22nd April, 2016
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[\[1\]](#) (2012) Supreme Court Cases 300

[\[2\]](#) 2014 (6) ALT 810

[\[3\]](#) (2008) 1 Supreme Court Cases 364

[\[4\]](#) (2009) 2 Supreme Court Cases 409

[\[5\]](#) (2009) 10 SCC 84

[\[6\]](#) (2008) 5 SCC 117

[\[7\]](#) 2013(1)ALD 1(SC)

[\[8\]](#) AIR 2004 SC 4102

[\[9\]](#) AIR 2004 SC 4102 (1)

[\[10\]](#) (2002) 7 SCC 559

[\[11\]](#) (2008) 3 Supreme Court Cases 717

[\[12\]](#) (2005) 13 SCC 89