

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.2155 of 2016

ORDER:

1. The petitioner is the 2nd defendant in O.S.No.341 of 2007 on the file of the Junior Civil Judge, Kanigiri. The suit was filed by the respondents seeking declaration of title in respect of the suit scheduled property. After conclusion of the evidence, the petitioner herein filed I.A.No.76 of 2016 seeking amendment of the written statement. In the affidavit filed in support of the said application, the petitioner stated that he is the absolute owner of the property having purchased the same from D.W.5 under a registered sale deed dated 05.05.2006, which was marked as Ex.X1, but in the written statement it was mistakenly typed as 05.05.2000 instead of 05.05.2006. For correction of the said mistake in the written statement, the application was filed.

2. A counter was filed by the respondents stating that after filing the written statement, appropriate issues were framed and evidence was let in. At the stage of conclusion of the evidence, the filing of the application was not proper.

3. The trial Court dismissed the application by its order dated 04.02.2016 with the following observations:

“This petition filed at the stage of trial basing on the petition at this stage of this petition filed at the stage of respondents evidence once trial has been commenced no amendment petition can be allowed. As before commends filed it is possible to amend the written statement of R2. In these circumstances, this petition is dismissed.

Hence, the petition is dismissed.”

4. This Court is unable to comprehend the reason and the language employed by the learned Junior Civil Judge. However, it is understood that the petition was dismissed. In view of the incomprehensible order of

the learned Junior Civil Judge, the impugned order is set aside without issuing notice to the respondents and remanded the matter to the learned Junior Civil Judge for passing appropriate reasoned order.

5. The Civil Revision Petition is accordingly allowed at the admission stage in view of the suit being of the year 2007. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

17-06-2016
Gsn