

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.3871 of 2016

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 10.06.2016 passed by the learned II Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar, in I.A.No.435 of 2013 in O.S.No.44 of 2012. The said I.A. was filed by the fifth defendant in the suit under Order VI Rule 17 CPC seeking permission to carry out certain amendments in his written statement. By the order under revision, the trial Court dismissed the I.A. Aggrieved thereby, he is before this Court.

Heard Sri G. Venkata Reddy, learned counsel for the petitioner/fifth defendant, and Sri Ghan Shyamdas Mandhani, learned counsel representing Sri Bankatlal Mandhani, learned counsel for the first respondent/plaintiff.

Perusal of the record reflects that the petitioner/fifth defendant wanted to amend his written statement by deleting the word 'younger' from the seventh line in the 28th paragraph at page No.9 thereof and to incorporate the phrase 'mutated by manipulating the revenue records' by deleting the phrase 'taken possession of the' in the last unnumbered para at page No.10 of the written statement.

The trial Court found that in so far as the deletion of the word 'younger' in para 28 of the written statement is concerned, the said word found place in the extraction from the order of the Joint Collector, Ranga Reddy District. Needless to state, it is not open to a party who is relying upon or attacking such an extract to make any alterations thereto. The

opinion expressed by the trial Court to this effect therefore does not warrant interference.

As regards the second proposed amendment, it is seen that the petitioner/fifth defendant stated in page 10 of the written statement as under:

‘It is humbly submitted that as a matter of fact, the Plaintiff taken possession of the excess land

The petitioner/fifth defendant now wants to alter the aforesaid statement by substituting the words ‘taken possession of the’ by the words ‘mutated by manipulating the revenue records’. As rightly pointed out by the trial Court, this attempt is nothing but an endeavour to withdraw the admission already made. The petitioner/fifth defendant therefore could not be permitted to retract such an admission by seeking amendment of his pleadings. The order of the trial Court holding to this effect therefore does not warrant interference.

The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date:18.11.2016

PGS