

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 6307 OF 2016

ORDER :

This Revision is directed against the order dated 24.10.2016 passed by the learned Junior Civil Judge at Naidupet in I.A.No. 887 of 2016 in O.S.No.43 of 2016.

The petitioner herein is the defendant in the above-said suit filed by the respondent – plaintiff for recovery of a sum of Rs.2,62,176/- on the foot of a promissory note. The respondent filed I.A. No. 887 of 2016 to permit him to amend his name in the plaint as '*Pari Ramanaiah @ Pari Ravanya*'. The plea taken by him was that his original name is '*Pari Ramanaia*', later re-christened as '*Ramanaiah*' and he is also being named by his friends and relatives as '*Ravanya*'. Now the case of the petitioner – defendant is that the suit promissory note was executed in the name of '*Pari Ravanya, S/o Kotaiah*', whereas the suit was filed in the name of '*Pari Ramanaiah*' instead of '*Pari Ravanya*'. At the time of his cross-examination, when the same was pointed out, it is stated, the respondent – plaintiff sought amendment of his name. The petitioner herein opposed the said Application on the ground that the respondent cannot take this Application at this length of the matter i.e. after commencement of trial. The learned Judge, after hearing both the parties, held that when there is no dispute with regard to the identity of the person, by merely amending the name, no prejudice would be caused to the respondent therein and hence, by the order under Revision, allowed the Application. Aggrieved thereby, this Revision has been filed.

Learned counsel for the petitioner - defendant *Sri T.C.D. Sekhar*, placing reliance upon the provisions of Order VI Rule 17 of the Code of Civil Procedure, contends that while allowing the Application, the Court below ought to have kept in view the diligence shown by the respondent - plaintiff and the delay that occasioned in seeking amendment. According to the learned counsel, the respondent - plaintiff has taken out the present Application only to fill-up the lacunae in his evidence.

Considered the material available on record. Admittedly, there is no denial of the fact that the suit promissory note has been executed by the petitioner - defendant with his own handwriting and also as regards the identity of the person, whose name is now sought to be amended. This itself goes to show that the parties to the suit are no strangers to each other. Further, the Court below held that though the Application has been moved after commencement of trial, no prejudice would be caused to the petitioner - defendant, as the amendment, which is now sought to be made, would not materially alter the cause and / or the nature of the suit. The said finding is not at all perverse, for this Court to interfere with the same in exercise of the revisional jurisdiction under Article 227 of the Constitution of India.

The Civil Revision Petition therefore, stands dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

23rd December 2016

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