

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.742 OF 2015

ORDER:

This Civil Revision Petition under Article 227 of the Constitution of India by the unsuccessful 2nd respondent/ 2nd defendant is directed against the orders dated 03.12.2014 of the learned I Additional District Judge, Medak at Sanga Reddy, passed in I.A.no.1202 of 2014 in O.S.no.155 of 2013 filed by the plaintiff under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 ('the Code', for short) requesting to permit to amend the plaint as stated in the petition list.

2. I have heard the submissions of the learned counsel for the revision petitioner/2nd defendant ('the 2nd defendant', for brevity) and the learned counsel for the 1st respondent/plaintiff ('the plaintiff', for brevity) and I have perused the material record.

3. The 2nd respondent herein who is the 1st defendant in the suit is stated to be not a necessary party.

4. To begin with, it is necessary to refer to the pleadings of the parties.

4.1 The case of the plaintiff in support of his request for amendment of the plaint, in brief, is as follows:

The plaintiff brought the suit against the defendants for declaration of title, consequential injunction and correction of revenue records. The defendants are resisting the suit. At the stage of trial, while preparing the affidavit of the plaintiff in lieu of examination in chief, it was noticed that in line nos.10 and 11 in paragraph no.3 of the plaint at page no.3, the word 'December' is typed before the years

1985-86 instead of typing 'April' at both the places. It is a typographical error. If the said mistake is retained as it is in the plaint, it would be a contradiction to the averments in the paragraphs 2 and 3 of the plaint. Therefore, the plaintiff is advised to seek amendment for deletion of the word 'December' and substitution of the same with the word 'April'. Further, after receiving the certified copies of the pahani patrikas and the other documents from the office of the Tahasildar, Patancheru Mandal, the plaintiff had come to know that the 1st defendant had played fraud on the plaintiff by stating that he is getting executed a mortgage deed without possession in respect of the suit land, but, in fact got executed a sale deed dated 11.04.1985 instead of a mortgage deed. Hence, the plaintiff is obliged to seek amendment of the plaint by inserting paragraph no. 8(A) after paragraph no.8 of the plaint as stated in the petition list. The above amendments of the plaint are necessary in view of the provisions of the Andhra Pradesh (Telangana Area) Money Lending Act, 1349 Fasli ('the Act', for brevity). Hence, the plaintiff filed the aforesaid interlocutory application for amendment of the plaint.

4.2 The case of the 1st defendant in his counter affidavit, in brief, is as follows:

The plaintiff had filed two interlocutory applications in the suit. In both the interlocutory applications, this defendant had filed detailed counters. He had also filed a written statement disclosing his defence, in detail. The plaintiff having dodged the matter without extending cooperation for disposal of the suit had filed a rejoinder to the written statement. The trial Court dismissed both the interlocutory applications filed by the plaintiff. The CMA filed against the order in the interlocutory application was dismissed confirming the orders of the trial Court. The plaintiff's specific case is that he had allegedly executed a mortgage deed in the month of December, 1985. The said contention was reiterated in his rejoinder and even at the time of filing

of the draft issues. Further, when the suit is coming up for trial, the plaintiff came forward with this present application seeking amendment to cover up the lacunae in his pleadings. The averment that while preparing the chief affidavit of the plaintiff, the typographical errors are noticed is not correct. Further, the allegation that after obtaining copies of the alleged documents from the office of the Tahasildar concerned, the plaintiff had come to know of the fraud played on him and the further allegations that the defendant had got executed a sale deed instead of getting executed a mortgage deed without possession are all false. The plaintiff is not entitled to seek amendment for the addition of a new paragraph no.8 (A) particularly after filing a rejoinder to the written statement. The amendment of the plaint being sought after adverting to the provisions of the Act is only intended to sidetrack the issue. This defendant had clearly denied the alleged money transactions in his pleadings. In the absence of proof of any money lending transaction, the plaintiff is not entitled to raise the issue that is being sought to be raised by way of proposed amendment. The amendment changes the nature of the suit and causes great hardship to this defendant, if permitted. Hence, the petition may be dismissed.

5. At the hearing before the trial Court, no oral or documentary evidence was adduced on either side. On merits and by the order impugned, the trial Court had allowed the petition of the plaintiff. Therefore, the aggrieved 2nd defendant had preferred this revision.

6. The learned counsel for the revision petitioner/2nd defendant while reiterating the pleaded defence would contend as follows:

The present application seeking amendment of the plaint is barred in view of the proviso appended to Order VI Rule 17 of the

Code. No amendment can be allowed after the commencement of the trial. Ignoring the settled legal position, the trial Court had straight away allowed the amendment application filed by the plaintiff. The trial Court ought to have seen that the plaintiff failed to plead and prove that inspite of due diligence he could not raise the matter in regard to amendment of the plaint before the commencement of the trial. By way of the proposed amendment, the plaintiff is trying to introduce a new plea that the 1st defendant is a professional money lender and that the sale deed executed in his favour by the plaintiff is hit by the provisions of the Act. Since the plaintiff is introducing a new plea, which changes the nature of the suit, the amendment cannot be permitted. The trial Court was in error in holding that the amendment is not sought as an afterthought and that the proposed amendment will not alter the nature of the suit and that the amendment was sought before the commencement of trial. The trial Court ignored the fact that the suit is coming for trial since 04.12.2014 and that it had framed the issues and also the additional issues, after additional pleading that is, the rejoinder was filed by the plaintiff. When the plaintiff had filed a rejoinder, he must have come to know of the defence; and, the plaintiff must have looked into his original pleadings at the time he had given instructions for drafting the rejoinder and when he had verified and signed the same before it is filed into Court. Therefore, the allegations that the typewriting mistake could not be noticed till the time of preparation of the chief affidavit and that he could not realise the necessity to seek the amendment of the plaint till he had obtained the copies of the alleged documents from the office of the Tahasildar are unbelievable. Hence, the trial Court ought not to have permitted the plaintiff to amend the plaint and ought to have dismissed the petition. Hence, the order impugned is erroneous and unsustainable under facts and in law.

7. On the contrary, the learned counsel for the plaintiff, while

reiterating the pleaded case of the plaintiff and while supporting the orders of the trial Court, had contended as follows:

When the trial Court exercised its discretion judiciously and had allowed the amendment of the plaint by recording findings supported by valid reasons, this Court while exercising the revisional jurisdiction under Article 227 of the Constitution of India will not generally interfere with such orders. There is no jurisdictional error or patent illegality or infirmity calling for interference. The amendment of the plaint for the correction of the word 'December' as 'April' is being sought as the said mistake had occasioned due to a typographical error. The proposed amendment in the proposed paragraph no.8 (A) deals with purely a legal plea and, therefore, such a plea, which could have been raised even without an amendment, can be considered at any stage by permitting to amend the pleadings. In the present revision, no grounds, much less, valid grounds are made out. The revision is devoid of merit and the same is liable for dismissal.

8. I have bestowed my attention to the facts and I have given my earnest consideration to the submissions.

9. The case of the plaintiff as could be culled out from the material papers is that he had borrowed an amount of Rs.4,000/- on interest at 2½% per month and that he could not pay the interest or discharge the said debt and that therefore, he had requested time for repayment of the loan with interest thereon and that at that time he was asked to execute a document viz., a mortgage deed by mortgaging his land without possession and that believing the said version he had accordingly executed a registered document which was registered in the office of the Sub-Registrar of Sanga Reddy and that at that time he had signed that document believing the representation made by the 1st defendant that it is a mortgage deed without possession but indeed a sale deed was fraudulently obtained and that he had never delivered the possession of the suit land covered by the registered document

and that in the circumstances he had brought the suit questioning the validity of the document and seeking the reliefs of declaration of title and consequential injunction and also the further relief of correction of entries in revenue records in respect of the suit land. The record also discloses that the contesting defendant had filed a written statement alleging that the plaintiff had sold the suit land to him under registered deed dated 11.04.1985 and that possession was also handed over. Be that as it may. By way of the proposed amendment, the plaintiff seeks to replace the word 'December' with the word 'April' and further seeks to introduce paragraph 8A after paragraph 8 in the plaint to enable the plaintiff to also contend in the suit for declaration of title that the defendant who had obtained the sale deed in question in connection with the loan transaction is an unlicensed professional money lender and that therefore, the sale deed that he had obtained by fraud and misrepresentation is void. The defence of the 1st defendant which is two fold is that the amendment that is being belatedly sought is barred in view of the proviso to Order VI Rule 17 of the Code and that the plaintiff who had filed a rejoinder to the written statement of the defendant is aware of the facts and also the defence and therefore, the plaintiff is not diligent and that he could not plead and prove that in spite of due diligence he could not seek amendment at the earliest point of time and that the amendment introduces a new plea and changes the nature of the suit and that since the defendant is denying any loan transaction, the averments in the proposed amendment are irrelevant.

10. In view of the contentions and rival contentions, it is profitable to refer to the proviso to Order VI Rule 17 of the Code, which 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 in spite of due diligence, the party could not

have raised the matter before the commencement of trial.”

10.1 It is also necessary to refer to the ratios in the following decisions:

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 **Rajkumar Gurawara (dead) through L.Rs v. S.Sarwagi and Company Private Limited and Another**^[2] 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.”

In the decision in **VIDYABAI vs. PADMALATHA**^[3] 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 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**^[4], 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^[5], 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 in **Abdul Rehman and Another v. Mohd. Ruldu and Others**^[6], 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.**

Yellapa^[7], 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** (7 supra) 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**^[8] 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]2SCR253, 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*: AIR 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.

11. Dealing first with the aspect that the amendment which is being sought at the stage of trial, that is, after the framing of the issues and the additional issues is barred under Order VI Rule 17 of the Code, it is necessary to refer to the following decisions:

In **Usha Devi v. Rijwan Ahamd**^[9] 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 the trial of the suit reliance was placed on 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 found 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.

Further, the Supreme Court having referred to a three-judge Bench decision in **Sajjan Kumar v. Ram Kishan**^[10], had 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 Code of Civil Procedure 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 (Supra), 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.”

In the case on hand also, the suit is at the stage of trial and the recording of the evidence has not commenced and the trial has not yet concluded and therefore, the matter has not reached the stage of arguments. Therefore, in the well considered view of this Court, the facts of present case are akin to the facts of the cases in Usha Devi

(supra) and Sajjan Kumar (supra). Further, this Court is of the considered view that it would be a sound exercise of discretion to permit amendment of the plaint, if it is permissible to do so, and that on the ground of mere delay the amendment sought for in a given case cannot be refused.

Coming to the decision in **J. Samuel v. Gattu Mahesh** case (1st supra) wherein the Supreme Court considered the meaning and significance of the words 'due diligence' and found on facts that the contention of the appellant in that case that the mistake had occasioned due to a typographical mistake is liable for rejection, be it noted that a perusal of the facts of the cited case would show that in a suit filed for specific performance based on an agreement, by way of a proposed amendment, paragraph 12 was sought to be introduced after paragraph 11 stating that by a typographical mistake a paragraph was omitted to be mentioned in the original plaint. Since the part/portion, which was stated to have been omitted, is not one sentence or a word but is a full paragraph, the Supreme Court found on facts that such an omission cannot be considered as a typographical mistake. Therefore, it appears that the decision in the cited case had turned on facts of the case; and hence, the said cited decision is not helpful to the defendants herein. Therefore the amendment of plaint for correction of the word 'December' as 'April' can be permitted by accepting the explanation that the said mistake was due to a typographical error.

12. Dealing with the aspect of introduction of paragraph no.8 (A) in the plaint it is to be noted that the proposed pleadings therein reflect that the plaintiff is intending to introduce a plea that the 1st defendant is a professional money lender and that therefore, the sale deed being relied upon by him is hit by the Act. In view of the following facts which are undisputed and the reasons assigned infra, there is no need to deal with this part of the application for amendment of the

plaint and the relief insofar it related to the request to include para 8(A) in the plaint. The plaintiffs filed an application to receive the rejoinder and the said application was allowed by the Court below and the plaintiff is permitted to file a rejoinder. Pursuant thereto, the plaintiff filed a rejoinder. In that rejoinder, the plaintiff had specifically pleaded as follows: "... On the date on which the plaintiff could not pay the interest and principal amount of Rs.4,000/-, he directed the plaintiff to go over to Sub-Registrar's office at Sangareddy and there, he took some signatures on the documents representing that it is a mortgage deed without possession. But, if the plaintiff has played fraud by getting the contents of mortgage deed converted into sale deed and played fraud on the plaintiff and brought into existence the sale deed in document no.4214 of 1985 on 11.04.1985 such a fraudulent document is not binding on the plaintiff as he has not transferred the ownership and possession of the suit land to defendant no.1 at any time on dated 11.04.1985 or till date. Even otherwise, the said sale deed dated 11.04.1985 is hit by the A.P.T.A Money Lenders Act as such not binding on the plaintiff and is void document as D1 is unlicensed money lender." (Reproduced verbatim). Thus, in the rejoinder, the plaintiff had already taken exactly the same pleas, which he now intends to introduce into the plaint by adding para 8(A). Since the pleading is already there in the rejoinder of the plaintiff, in the well considered view of this Court, there is no need to permit the plaintiff to add paragraph 8(A) to reiterate the very same plea. Viewed thus, this Court finds that the amendment application insofar as the request to add para 8(A) to the plaint need not be permitted, in the facts and circumstances of the case.

13. Having regard to the reasons aforementioned, this Court is of the considered view that the order of the trial Court can be partly set aside insofar as it related to allowing the amendment for adding para 8(A) to the plaint while confirming the said order insofar as it related to

permitting the plaintiff to amend the plaint by substituting the word “December” with the word “April” as prayed for in the application for amendment.

14. Accordingly, the Civil Revision Petition is allowed in part and the impugned order is set aside in part insofar as it related to the request to add para 8(A) after paragraph 8 in the plaint. However, the order of the Court below is confirmed in regard to the allowing the amendment for substitution of the word “April” in the place of the word “December” as prayed for. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

M. SEETHARAMA MURTI, J

Date: 22nd July, 2016

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Note:- Issue C.C. today.

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[\[1\]](#) (2012) Supreme Court Cases 300

[\[2\]](#) (2008) 1 Supreme Court Cases 364

[\[3\]](#) (2009) 2 Supreme Court Cases 409

[\[4\]](#) (2009) 10 SCC 84

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

[\[6\]](#) 2013(1)ALD 1(SC)

[\[7\]](#) AIR 2004 SC 4102

[\[8\]](#) (2002) 7 SCC 559

[\[9\]](#) (2008) 3 Supreme Court Cases 717

[\[10\]](#) (2005) 13 SCC 89