

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION No. 755 of 2013

ORDER:

The present civil revision petition is filed challenging the orders, dated 14.12.2012, passed by the Senior Civil Judge, Machilipatnam, in I.A.No.2037 of 2012 in O.S.No.133 of 2006, wherein the lower Court allowed the application filed by the respondent herein/plaintiff seeking amendment of the name of the petitioner herein/defendant in the cause title of the suit, which was originally shown as Chennakesavula Rambabu, as “Chennaklesavula Rambabu @ Sri Rama Krishna @ Siva Rama Krishna”.

The case of the plaintiff is that the defendant is also known as Sri Rama Krishna and Siva Rama Krishna and by suppressing his real name, he used his pet name for executing the suit promissory notes and that necessitated him to come up with the amendment application.

The learned counsel for the petitioner/defendant has contended that under Order VI Rule 17 of CPC no application for amendment shall be allowed, after commencement of trial. In support of his contention, he relied upon the judgments in *B. Sreenivasulu Vs. B. Kusuma Kumari*¹, *Rachabattuni Govindarao Vs. Jonnadula Sambasiva Rao*², and *G. Loretta Vs. Gunkula Rathanamma (died) and another*³. I have perused the above judgments, wherein the

¹ 2016 (6) ALD 120

² 2005 (5) ALD 390

³ 2004 (4) ALD 862

amendment of plaint sought for incorporation of an averment, for correction of a mistake in mentioning extent of property, and for cancellation of registered sale deeds, was denied after the commencement of trial. Whereas in the instant case, the amendment was sought for correction of the name of the defendant in the cause title, and more so when the plaintiff contended that the defendant had used his pet name to sign the promissory notes, it becomes necessary to amend the plaint in respect of the name of the defendant in the cause title. Strangely, in the instant case, the defendant had received summons, entered appearance and filed written statement, even though the summons were sent to the so-called incorrect name, which itself goes to show that he is called with two or three names. The Court below has rightly allowed the application and I do not see any irregularity in the orders passed by it. Therefore, the Civil Revision Petition is dismissed.

Consequently, the interim stay granted on 04.04.2013 is vacated and miscellaneous petitions if any pending in the revision shall stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd October, 2017
cbs

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(dismissed)

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