

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2663 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the order, dated 26.04.2017, passed in Interlocutory Application No.216 of 2017 in Appeal Suit No.122 of 2016, by the IX Additional Chief Judge, City Civil Court, Hyderabad, whereby, the petition filed under Order VI Rule 17 read with 151 of Code of Civil Procedure, 1908 (for short, 'C.P.C') to permit the petitioner herein to amend the grounds of appeal, was dismissed.

2. Heard the learned counsel for the petitioner at the stage of admission.

3. No doubt, grounds of appeal are not pleadings and they cannot be amended by invoking Order VI Rule 17 CPC. However, under Order XLI Rule 2 CPC the appellant shall not, except by leave of the Court, urge or be heard in support of any ground of objection not set forth in the memorandum of appeal, but the Appellate Court, in deciding the appeal, shall not be confined to the grounds of objections set forth in the memorandum of appeal or taken by leave of the Court.

4. In view of the above, at best, the petitioner can obtain leave of the Court under Order XLI Rule 2 CPC for raising additional grounds of appeal in the Memorandum of Appeal, but not under Order VI Rule 17 CPC. Hence, the revision petition is liable to be dismissed upholding the order impugned.

5. Accordingly, the Civil Revision Petition is dismissed leaving it open to the petitioner to file appropriate application Order XLI Rule 2 CPC before the appellate Court.

M. SATYANARAYANA MURTHY, J

JUNE 21, 2017

Note:

Furnish C.C. tomorrow.

(B/o)

YVL



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Date: 21.06.2017

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