

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
CIVIL REVISION PETITION No.1306 of 2017

ORDER:

This revision petition is filed against the order dated 19-12-2016 in I.A.No.684 of 2016, wherein the Court below allowed the application of the respondent/plaintiff filed under Order 6 Rule 17 read with Section 151 C.P.C. amending the address of the defendant.

Learned counsel for the petitioner submits that the respondent/plaintiff knows the address of the petitioner/defendant, but deliberately has given the wrong address with malafide intention and filed petition for amendment, which was erroneously allowed by the Court below.

On the other hand, learned counsel for the respondent/plaintiff submits that on the first day of appearance only, the application for amendment was filed even before trial commenced. Mere change of address does not change the change of cause of action. As such, the Court below has rightly allowed the application.

It is to be seen that the amendment is only to change the address of the defendant and learned counsel for the petitioner is not able to explain how the cause of action will change by amending the address of defendant, but he repeatedly says that amendment application is not filed

bonafidely. It is settled provision of law that amendment cannot be allowed, when it changes the cause of action. It is not brought to my notice how cause of action in the suit changes by amendment of address and the Court below also found that no prejudice will be caused by the proposed amendment. Though learned counsel for the petitioner cited the judgment of Supreme Court in **Revajeetu Builders and Developers v. Narayanaswamy and sons**¹, but the same is not relevant in the present case.

In view of the same, I do not see any reason to entertain the revision petition under Article 227 of Constitution of India.

Accordingly, the revision petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

14-07-2017
Nvl

¹ (2009) 10 Supreme Court Cases 84



