

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4276 of 2016

Order:

Aggrieved by the dismissal of an application for amendment of pleadings, the plaintiff has come up with the above revision petition.

2. Heard Mr. V.S.R. Anjaneyulu, learned counsel for the petitioner and Mr. Kowturu Vinay Kumar, learned Senior Counsel for the respondent.

3. The petitioner/plaintiff filed a suit for permanent injunction and the same is pending. Earlier, the plaintiff/petitioner secured an interim order of injunction, but the same was reversed by the Appellate Court.

4. When the suit was posted for cross-examination of P.W.1, the petitioner/plaintiff filed an application for amendment of the pleadings on the ground that on 26-12-1995 the respondent did something resulting in drainage water being let in to his property. The Trial Court dismissed the application forcing the plaintiff to come up with this revision.

5. As seen from the Affidavit in support of the application for amendment, the plaintiff wanted to plead a subsequent event. Admittedly, the plaintiff had the benefit of an interim injunction, but the same was reversed by the 1<sup>st</sup> Appellate Court. Therefore, anything that happened subsequently, should be allowed to be brought on record.

The Trial Court did not even give any reason except stating that the petition for amendment was filed with *mala fide* intention. I do not know where from the Trial Court got such a hint.

6. Though it is contended by the learned Senior Counsel for the respondent that the amendment goes beyond the scope of the suit, I do not think so. The suit is for a permanent injunction. If something is done that will make the suit infructuous, that something should certainly be brought on record.

7. Therefore, the civil revision petition is allowed and the impugned order is set aside. The amendment application shall stand allowed. The petitioner shall carry out the amendment within two weeks from the date of receipt of a copy of this order and serve a copy of the amended plaint upon the respondent. Within three weeks thereafter, the respondent shall file a written statement. Thereafter, the Court may proceed with the trial of the suit. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

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V.RAMASUBRAMANIAN, J.

27<sup>th</sup> January, 2017.  
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