

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4623 of 2017

Order:

This revision arises out of an order passed by the Trial Court refusing to allow an amendment to the plaint.

2. Heard Mr. Naresh Reddy Chinnolla, learned counsel for the petitioner and Mr. Narasimha Rao Gudiseva, learned counsel for the respondents.

3. The petitioner filed a suit in O.S.No.109 of 2015 on the file of the Principal Senior Civil Judge's Court, Nandigama, praying for a declaration that she is the absolute owner of the suit schedule property and also for permanent injunction and mandatory injunction. The respondents herein were cited as defendants 1 to 3 in the suit.

4. It appears that by typographical errors, the 3rd defendant was described as defendant No.2 and the 2nd defendant was described as defendant No.3. Therefore, after realising this, the petitioner/plaintiff filed an application for amendment. This application was dismissed by the Trial Court on the ground that as per Rule 28 of Civil Rules of Practice and Circular Orders, the consequential amendments are not indicated in the prayer.

5. The approach of the Trial Court appears to be very pedantic. The only mistake committed by the petitioner is that in the body of the plaint, the 3rd defendant was referred to as defendant No.2 and vice versa. In cases of this nature,

there cannot be a consequential amendment as per Rule 28 of Civil Rules of Practice and Circular Orders. Therefore, the civil revision petition is allowed, the impugned order is set aside and the application for amendment is allowed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

03rd November, 2017.

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