

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.3660 of 2017

O R D E R:

This Civil Revision Petition is filed assailing the order dt.05.07.2017 in I.A.No.137 of 2017 in O.S.No.29 of 2012 of the X Additional District Judge, Narsapur, West Godavari.

2. Petitioner is defendant in the above suit. The said suit was filed by the respondent for recovery of amount on the basis of a promissory note dt.29.06.2008.

3. After written statement was filed by the petitioner, issues were settled on 10.10.2014.

4. Evidence of the respondent's witnesses was closed on 09.07.2015 and the petitioner also examined two witnesses. The matter was then posted for arguments on 01.03.2016.

5. Thereafter two applications were filed to reopen the suit and to issue summons to the scribe of the suit promissory note.

6. The said applications were allowed and the petitioner was allowed to examine scribe as DW3 and the matter was then posted for arguments on 10.04.2017

7. At that stage, petitioner filed I.A.No.137 of 2017 to amend the written statement on ground that she changed her advocate taking certain new pleas.

8. This was opposed by the respondent on the ground that

after completion of trial, application for amendment cannot be allowed and that change of advocate is not a ground to permit such amendment.

9. The Court below dismissed the said application stating that the petitioner cannot be said to be not having knowledge of additional pleas that are now sought to be taken in the application for amendment of the written statement, and that the filing of several petitions by the petitioner shows that the petitioner intends to keep the suit pending indefinitely even though it is an old matter.

10. Assailing the same, this Revision is filed.

11. Though counsel for petitioner states that new pleas taken in the amendment application are necessary and would enable the petitioner to effectively defend the suit, I am of the opinion that the pleas now sought to be raised could have been taken in the earlier written statement filed by the petitioner. After the trial has concluded and the matter has been posted for arguments, at this stage petitioner cannot be allowed to amend the written statement and introduce new pleas, since the petitioner has not been diligent enough in raising them earlier.

12. I therefore find no merit in this Civil Revision Petition and it is accordingly dismissed. There shall be no order as to costs.

13. Consequently, miscellaneous petitions pending if any shall stand closed.

M.S.RAMACHANDRA RAO, J

11th August, 2017.

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