

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.1896 OF 2014

ORDER:

Heard both sides and perused the impugned dismissal order of the additional written statement sought to be received by the defendant in I.A. No.149 of 2014 in pending suit in O.S. No.67 of 2006, dated 10.06.2014 and also the grounds of Revision.

The application filed is under Order VIII Rule 9 of C.P.C. Order VIII Rule 9 C.P.C. mainly meant to file the additional pleading to the set-off or counterclaim to the written statement and not otherwise. Any application is practically to be filed under Order VI Rule 17 of C.P.C. including for amendment of a written statement to incorporate any additional paragraphs in the written statement even. No doubt, mere wrong quoting of a provision is not fatal to consider the application as one under Order VI Rule 17 of C.P.C. However, for that in the petition but for simply mentioning to read to receive the additional written statement, the proposed amendment not asked for, even what is from the reading indicates is a subsequent event. Once the subsequent event is to be brought to the notice of the Court, it can be even in the evidence by mentioning the facts happened in claiming any non-entitlement to the relief of specific performance by the plaintiff in the main suit as part of defence; thereby, there is nothing more to interfere with the impugned order but for with that observation in disposal of the Revision.

Accordingly, with this observation, the Civil Revision Petition is disposed of. As a sequel, miscellaneous petitions, if any, pending in this Revision shall stand closed. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

Date: 28.12.2017.
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