

HON' BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 5603 of 2017

ORDER:

The petitioner is the defendant and respondent is the plaintiff in OS No.374 of 2015 on the file of the Principal Junior Civil Judge, Giddalur. The respondent/plaintiff filed the above suit for recovery of the amount. During the course of evidence, the respondent/plaintiff filed an application in IA No.1917 of 2015 seeking to rectify the affidavit already filed by her on the ground that by oversight in the affidavit filed in lieu of chief examination she mentioned the total suit amount in stead of the amount of Rs.10,000/- as mentioned in the promissory note. A counter affidavit is filed stating that Order-VI Rule-17 CPC applies to amend the pleadings and since affidavit is not a pleading, it cannot be amended. The trial court ordered the application on payment of costs of Rs.50/- by order dated 31.07.2017. Challenging the same, the present revision petition is filed.

2. In view of the above facts, it is clear that the revision petitioner filed an application in lieu of the chief examination mentioning that the promissory amount is Rs.10,000/- and she wants to rectify the said mistake. This mistake can be rectified on the orders of the court below exercising its discretionary powers. In such case, this court cannot interfere exercising the powers conferred under Article 227 of the Constitution of India.

3. Accordingly, the civil revision petition is dismissed. No costs. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.

HON' BLE SRI JUSTICE A. RAMALINGESWARA RAO, J