

The Hon'ble Sri Justice V.RAMASUBRAMANIAN

CIVIL REVISION PETITION No.358 OF 2018

Date:25.01.2018

Between:

Pillutla venkata Lakshmi Narasimham
S/o.Abbaiah Sastry, aged about 52 years,
P/o.D.No.42-4-52, Near Reliance Tower,
Ramakrishnapuram, Vijayawada, Krishna District.

...Petitioner

Vs.

Dhulipala Vijaya Lakshmi W/o.Dhulipala
Satyanarayana Murthy, aged about 50 years,
P/o.23-14-11/ 1, Gadiyaramvari Street,
Satyanarayanapuram, Vijayawada, Krishna District.

... Respondent

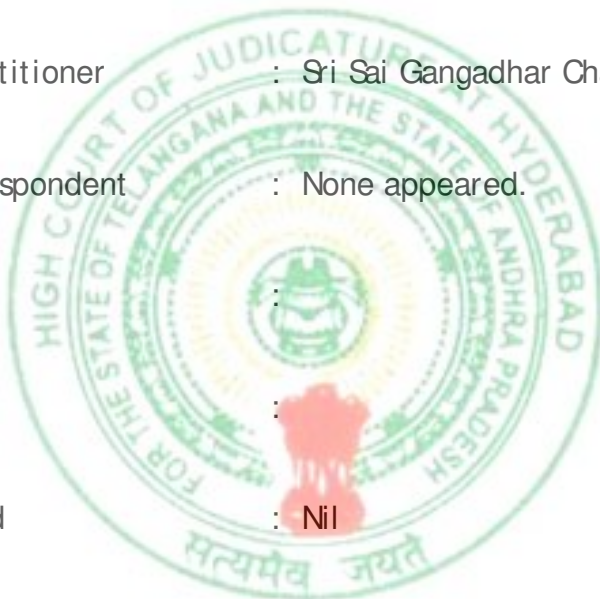
Counsel for Petitioner : Sri Sai Gangadhar Chamarty

Counsel for Respondent : None appeared.

Gist :

Head Note :

Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

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ORDER:

The defendant's application for amendment of the written statement having been dismissed by the trial Court, he has come up with the above revision.

2. Heard Mr. Sai Gangadhar Chamarthi, learned counsel for the petitioner.

3. The suit was based upon the three promissory notes. The petitioner/defendant denied the execution of promissory notes and claimed that the plaintiff's husband was his colleague and that he was carrying on money lending business.

4. After the plaintiff's evidence was over and the affidavit in lieu of chief examination was also filed by DW-1 and documents marked, the petitioner/defendant filed an application for amendment. Actually it was not an application for amendment, but an application seeking to file additional written statement. The trial Court dismissed the application on the ground that the averments sought to be made in the additional written statement run contrary to the averments contained in the original written statement. Therefore, defendant has come up with the above revision petition.

5. First of all, the application filed by the petitioner cannot be treated as one under Order VI Rule 17 CPC. It is an application for filing additional written statement. An additional written statement can be filed normally under Order VIII Rule 9 CPC, when a new ground of defence had arisen after the institution of the suit or the presentation of the written statement. Under order VIII Rule 9 CPC, no pleading subsequent to the written statement of the defendant other than by way of defence to set-off or counter-claim shall be presented except by the

leave of the Court and upon such terms as the Court thinks fit. But, the Court itself has power under Order VIII Rule 9 CPC to require an additional written statement from any of the parties and fix a time of not more than 30 days for presenting the same.

6. In the case on hand, the trial has commenced and the evidence on the side of the plaintiff was over. It was only after filing an affidavit in lieu of chief examination and marking the documents on his side, that the petitioner sought to file additional written statement. Therefore, the same was rightly rejected by the Court below and I find no justification to interfere with the said order.

7. Accordingly, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

January 25, 2018
KTL

