

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.2032 of 2013

ORDER:

Heard Ms.P.Sujatha for petitioner. No representation for respondents.

The plaintiff in O.S.No.206 of 2005 is the revision petitioner. The revision petitioner filed I.A.No.1292 of 2011 under Order 6 Rule 17 of Civil Procedure Code (CPC) for amending the description as follows:

“For the reasons mentioned in the affidavit, Hon’ble court may be pleased to grant amendment of Plot No.23 in Plaint, Plaint schedule to that of 24 and the direction of Plot 23 belonging to defendant No.3 from West to East of suit plot in para 4 of the Plaint.”

The learned trial Judge dismissed the application. Hence, the Civil Revision Petition.

Ms.Sujatha contends that the details given in paragraph No.4 of the plaint are result of either mistake or inadvertence and the amendment if considered and granted, the contesting parties would not be subjected to prejudice etc.

I have perused the record and also taken note of submissions of Ms.Sujatha.

The suit was filed in the year 2005. The instant application was filed on 24.11.2011 for amendment of plaint schedule. The petitioner must satisfy the requirements of proviso to Order 6 and Rule 17 of CPC.

Admittedly, the affidavit is silent in this behalf. The plaintiff seeks identity of plaint schedule not only by reference to plot numbers but also the definite boundaries. Therefore, the petitioner can certainly prove the case by reference to boundaries and explain the anomaly, if any, in description of plot number. Further, no ground is made out for interference of this Court under Article 227 of Constitution of India.

Hence, Civil Revision Petition fails and accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 21.08.2018

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