

SMT JUSTICE T. RAJANI

C.R.P.No.729 of 2018

ORDER:

This revision is preferred against the order dated 05.09.2017 passed in I.A.No.1324 of 2016 in O.S.No.6 of 2006 by the Senior Civil Judge, Vizianagaram, dismissing the petition filed under Order VI Rule 17 and Section 151 C.P.C., seeking permission to amend the neat copy of the plaint and to make necessary consequential amendments in the plaint.

2. The background facts are that originally the suit was filed by the 1st plaintiff, who died during pendency of the suit and a petition to bring the legal representatives of the deceased plaintiff i.e., plaintiffs 2 to 4, was filed and the same was allowed by the Court below. There is no dispute about the same. Consequent to the said order, the petitioners/plaintiffs filed a neat copy of the plaint. Later, an application to amend the neat copy was filed, which was dismissed by virtue of the impugned order. This Court observes that strangely, they mentioned the name of one Sanyasiraju as 2nd plaintiff, who admittedly is not the legal heir of the deceased 1st plaintiff and certain amendments were sought for, to substitute the name of 2nd plaintiff with Sanyasiraju and others.

3. This Court observes that there is absolutely no clarity in the cause title, since said Sanyasiraju being not a legal heir of the 1st plaintiff cannot find place in the cause title of the plaint. But a comparative reading of the original plaint and the amendment sought for would show that the amendments are nevertheless

necessary, since they are in consonance with the contents of the original plaint.

4. Hence, in order to meet the ends of justice, this Court deems it fit to set aside the impugned order and direct the petitioners to file a fresh petition seeking amendment of the plaint, with correct cause title.

5. Accordingly, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

27th April, 2018
sj



T. RAJANI, J