

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.1827 of 2018

ORDER:

The unsuccessful plaintiff in O.S.No.53 of 2014 is the revision petitioner.

The revision petitioner filed I.A.No.22 of 2017 to amend the plaint as follows:

“The plaintiff got purchased the suit schedule land through simple sale deed dt.10.5.1998 and on the date of execution of the said simple sale deed, the defendant delivered the physical possession to the plaintiff and ever since the date of execution of said simple sale deed, he has been in continuous possession and enjoyment of the suit schedule land”,

in place of following averment in the plaint:

“The plaintiff occupied the same nearly 15 years back i.e. in the year 1997-98 by denying the title of the defendant.”

The request of revision petitioner is rejected with terse reasoning by the trial Court. Hence, the Civil Revision Petition.

Learned counsel for petitioner submits that through amendment, the revision petitioner is not proposing to innovate the plea and secondly either the frame of the suit or cause of action for filing the suit is not changed. Keeping in

view the stage of the suit, the amendment ought to have been allowed.

The contentions urged are merely noted and are rejected at the threshold. The pleading in the plaint and the proposed amendment if read carefully, this Court has no reason to hold that the amendment if permitted, it substantially changes the complexion of the suit. Further, the trial Court finds no reason to exercise discretion and jurisdiction to permit amendment, I am in agreement with the view of the trial Court. No ground is made out against the order impugned in the Civil Revision Petition, attracting the jurisdiction under Article 227 of Constitution of India.

Hence, the 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: 23.03.2018
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