

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
CIVIL REVISION PETITION No.3089 of 2018

ORDER:

This revision is filed against the order dated 09-04-2018 passed in I.A.No.188 of 2018 in O.S.No.291 of 2011, wherein and whereby, the petitioner's application filed under Order VI Rule XVII read with Section 151 C.P.C. seeking to amend the written statement was dismissed.

Learned counsel for the petitioner submits that by proposed amendment basing on the expert opinion, the petitioner wants crucial aspects to be brought to the notice of the Court for proper adjudication of the suit, but the Court below without considering the same dismissed the application.

A perusal of the impugned order goes to show that the petitioner filed written statement long back and he has not raised such plea even after expert was examined by the petitioner on 23-01-2018 and after the matter was posted for arguments on 01-02-2018, the present petition filed and the proposed amendment contains only the evidence and opinion of the expert.

In this case, it is to be seen that the suit is filed in the year 2011 and according to the petitioner, the expert opinion is in favour of the petitioner and it becomes part of the evidence. In such a case, there is no need to bring the expert opinion on record by way of pleadings and the trial Court also asserted the same thing and it appears that the application filed by the petitioner is only to drag on the proceedings.

In view of the above facts and circumstances, I do not see any infirmity in the order passed by the Court below.

Accordingly, the revision is dismissed. As a sequel to the disposal of this revision miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

08-06-2018
Nvl



