

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3864 OF 2018

DATED:20-07-2018

Between:

Ganti Padmavathi
and another

... Petitioners

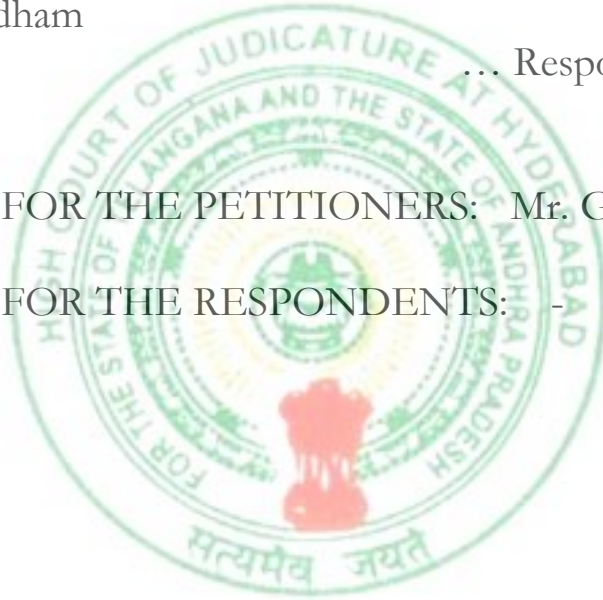
And

Pilli Lokanadham
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. G. Rama Gopal

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

Feeling aggrieved by order dt.13.3.2018 in I.A. No.175 of 2018 in O.S. No.376 of 2011 on the file of the VI Additional District Judge, Visakhapatnam, the defendants in the aforementioned suit filed this civil revision petition.

In the suit referred to above filed by the respondents for recovery of money, the petitioners filed their written statement as far back as 23.07.2012 taking a plea of discharge. However, after expiry of nearly six years and when the trial was commenced, the petitioners came up with I.A. No.175 of 2018 seeking amendment to the written statement. This application having been dismissed by the lower Court, the petitioners filed this civil revision petition.

In my opinion, the principal reason for which I.A. No.175 of 2018 is liable to be dismissed was the unexplained delay in filing the said application. All that petitioner No.2 has stated in his affidavit filed in support of the I.A. is that recently after verifying the certified copy of written statement in the suit he came to know about paragraph 4 of the averments in the written statement pertaining to discharge. The written statement having been signed by the petitioners, they cannot feign ignorance of its contents. The fact that the petitioners

have not bothered to look into the contents of the written statement for six long years after it was filed, speaks volumes of negligence on their part. Lack of diligence of a litigant shall be considered as a prime ground to reject his request for amendment. Due to sheer negligence of the petitioners, the suit, which is already seven years old, cannot be allowed to be protracted further. Though the pleadings could be permitted to be amended at any stage of the suit, a fundamental duty lies on every litigant to be diligent in prosecuting his case. Where the petitioners are found lacking in this regard, the Court would not extend its helping hand to them. In these facts of the case, I am not inclined to interfere with the order of the lower Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, I.A. No.1 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

20-07-2018

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