

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

CIVIL REVISION PETITION No.4537 of 2018

10.08.2018

Between:

S.Satyanarayana @ Chandu

..Petitioner

and

Merugu Apparao and another

..Respondents

Counsel for the petitioner: Mr.T.V.S.Prabhakar Rao

Counsel for the respondents: --

The Court made the following:



ORDER:

This Civil Revision Petition is filed against order, dated 30.04.2018, in I.A.No.271 of 2018 in O.S.No.291 of 2012 on the file of the learned Principal Senior Civil Judge, Anakapalli, Visakhapatnam District, whereby he has allowed the aforementioned I.A. filed by the respondents/defendants for amendment of the written statement.

2. After hearing, Mr.T.V.S.Prabhakar Rao, learned counsel for the petitioner, I am of the view that by the amendment of the written statement, the petitioner's interests have not been prejudiced as all that the respondents sought to plead by way of amendment is to substantiate the existing plea that on behalf of Smt.Y.Nookaratnam respondent No.1/defendant No.1 signed on the alleged blank suit promissory note, another blank promissory note and issued two blank cheques to the petitioner/plaintiff. They also sought to plead by way of amendment that on the date of execution of the alleged suit promissory note i.e., on 23.02.2012, respondent No.1/defendant No.1 was away from the city as he had been to Tatanagar, State of Jharkhand, for C.R.C. training at Tata Training Center from 27.02.2012 to 24.03.2012 and that the same was incorporated in his service register to establish the

said fact. Though the amendment was sought after filing of the affidavit in lieu of chief-examination by the petitioner, mere delay by itself would not disentitle the respondents to seek amendment of the written statement unless the petitioner establishes prejudice if such amendment is allowed.

3. As noted above, having regard to the nature of the proposed amendment, no prejudice is caused to the petitioner. Moreover, mere allowing of the amendment does not amount to the Court accepting the plea of the respondents unless they produce evidence in support thereof.

4. In the above view of the matter, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

5. As a sequel to dismissal of the Civil Revision Petition, I.A.No.1 of 2018 filed by the petitioner for interim relief stands dismissed as infructuous.

10th August, 2018
GHN

C.V.NAGARJUNA REDDY, J