

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.4577 of 2018

ORDER:

Aggrieved by an amendment ordered to the written statement, the plaintiff in a suit for specific performance has come up with the above revision.

2. Heard Mr. Kowturu Pavan Kumar, learned counsel for the petitioner.

3. The limited amendment sought by the defendant in the application in I.A.No.168 of 2008 out of which the present revision arises, is to include a paragraph containing a plea that he issued a legal notice date 08.06.2012 cancelling the agreement of sale. But this plea was already a part of the plaint and the legal notice issued by the defendant was already included as one of the plaint documents. Therefore as rightly contended by the learned counsel for the petitioner, there is absolutely no necessity for this amendment at all. This amendment does not seek to include any averment that is not already on record.

4. But it appears that the prayer for amendment was one of the dilatory tactics adopted by the defendant, and the petitioner herein, who is the plaintiff, should not become a victim of such a design. Since the amendment does not affect the case of the petitioner, a technical objection to the amendment in the form of the above civil revision petition, will only to further prolong the adjudication of the suit. Therefore, even in the interest of the petitioner, the civil revision petition is liable to be dismissed. Accordingly it is dismissed. There shall be no order as to costs.

5. As a sequel, pending miscellaneous petitions, if any shall stand closed.

V. RAMASUBRAMANIAN, J.

17th August, 2018
Js.



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