

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4824 of 2018

ORDER:

1) Assailing the order, dated 16.04.2018, passed in I.A.No.792 of 2017 in O.S.No.50 of 2012 on the file of the Senior Civil Judge, RAzole, wherein an application filed to amend the plaint as well as to add the respondent No.3 as defendant No.3 in the suit, was dismissed, the present Civil Revision Petition came to be filed under Article 227 of the Constitution of India.

2) It is to be noted here that even earlier the petitioners herein filed I.A.No.262 of 2014, before the very same Court, seeking the very same relief, namely to add respondents 3 and 4 as defendants 3 and 4 in the said suit and to amend the plaint. The said application was dismissed on 11.07.2017. There is no material on record to show that the said order was either challenged or stayed by any higher Court. Having suffered an order on the same issue, another application came to be filed, which is impugned in this revision. The earlier I.A. came to be dismissed on the ground that the application filed praying two distinct prayers in one petition, which is contrary to the spirit of Civil Rules of Practice, and for two distinct prayers, the petitioners should have filed two separate petitions. Without challenging the said order, the present application, which is impugned in the present revision, came to be filed seeking two distinct prayers as sought earlier ie., one for adding parties and another for amendment of plaint. Since the earlier order has

become final for the very same relief and as the present application is also identical to one made earlier, I see no grounds to interfere with the order of the trial Court.

3) Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

24.08.2018
gkv

