

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.2995 OF 2013

ORDER:

Heard Mr.C.Subodh for revision petitioner. No representation for respondent.

The revision petitioner is plaintiff in O.S.No.145 of 2007. The revision petitioner filed I.A.No.48 of 2013 for amendment of cause title and the proposed amendment reads thus:

“...the Hon'ble Court may kindly be pleased to permit the petitioner to amend the 3rd line of the defendant's cause title of the suit, as “Ex-Secretary & Correspondent of” **instead** “Secretary & Correspondent of” and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

Through the order under revision, the request is rejected. Hence, the revision.

I have perused the order under revision and also the plaint. The suit is filed for perpetual injunction and the revision petitioner through proposed amendment desires to describe the status of defendant from “*Secretary & Correspondent*” to “*Ex-Secretary & Correspondent*”. With the change of description in the cause title, the finding recorded that it changes the frame of the suit, cause of action etc., in the considered view of this Court is untenable. Even if the amendment is allowed, it is not the final word on the topic. The defendant will get an opportunity to file additional written statement and whatever status the defendant

wishes to assert in the suit, he can assert and the Court would have decided the issue on merits.

For the above reasons, the order under revision is set aside. Revision is allowed. The revision petitioner is directed to file amended copy of plaint within four weeks from today by enclosing this order. The respondent is given four weeks time thereafter to file additional written statement, if so advised. The trial Court considers and disposes of the suit as expeditiously as possible, preferably within three months. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

14th September, 2018

Note: Issue CC in one week
B/o
Lrkm



S.V.BHATT, J