

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.3568 OF 2012

ORDER:

The revision is at the instance of defendants in O.S No.16 of 2007. The revision petitioners filed I.A. No.32 of 2012 for amending the written statement to include the following paragraph:

“ 3(a) The defendants submit that the defendant no.2 have purchased the land in suit schedule Sy.No.917 to the extent of 216 sq. yards from east-west 12 Yards and north-south 18 yards from Chakali Chennaiah s/o. Veeraiah r/o.Choutkur village of Pulkal Mandal, Medak District, who is none other than the grand father of defendant No.1 through registered sale deed vide document No.405/1991, dated 4.3.1991. Since the purchase I am in possession of the said land.”

The said prayer is rejected by the trial Court. Hence the C.R.P.

I have perused the order under revision and *prima facie* I am of the view that a few of the considerations which weighed with the Court for considering the request for amendment of plaint are not applied while considering the prayer of a defendant for amendment of the written statement. The proposed amendment as is evident refers to sale transaction dated 04.03.1991 to explain the reply already stated by the revision petitioners. The request for amendment is not considered by referring to the normal grounds on which it is decided whether the request for amendment is sought after the trial has commenced or the proposed amendment introduces altogether a new plea etc. By examining on whom the burden is fastened, the order under revision is passed. *Prima Facie*, I

am of the view that having regard to the peculiar facts of this case, the trial Court ought to have considered the amendment favourably.

For the above reasons, the order under revision is set aside. The CRP is allowed and the revision petitioners are given four weeks time from today to file the amended written statement. The learned trial Judge considers and disposes of the suit as expeditiously as possible, preferably within two months from thereafter.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 12.09.2018
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S.V. BHATT, J