

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.5166 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/2<sup>nd</sup> defendant, challenging the order, dated 21.08.2018, passed in I.A.No.468 of 2018 in O.S.No.12 of 2014, by the VI Additional District Judge, Siddipet, whereby, the petition filed by the petitioner/2<sup>nd</sup> defendant under Order VI Rule 17 of C.P.C. seeking permission to amend the written statement filed by him in the Original Suit, was dismissed.

2. Heard the learned counsel for the petitioner/2<sup>nd</sup> defendant and perused the record. In spite of service of notice on the 1<sup>st</sup> respondent/1<sup>st</sup> plaintiff, there is no representation on his behalf. The 2<sup>nd</sup> respondent/2<sup>nd</sup> plaintiff returned unserved. Notice was issued to the correct address of the 2<sup>nd</sup> respondent/2<sup>nd</sup> plaintiff. Hence, the notice on the 2<sup>nd</sup> respondent is held sufficient. Respondents 3 to 7 are not necessary parties to this Revision Petition.

3. In the course of submissions, it is brought to the notice of this Court that the petitioner/2<sup>nd</sup> defendant inadvertently mentioned the wrong number and date of the registered sale deed in his written statement. He wanted to correct the same by way of amendment. The Court below dismissed the subject application holding that the amendment is sought belatedly after examination of the witnesses. It is also brought to the notice of this Court that the plaintiffs filed a suit for cancellation of the registered sale deed No.4442 of 2011, dated 02.11.2011. It is the case of the petitioner/2<sup>nd</sup> defendant that he inadvertently mentioned the wrong document number

No.1438/1998, dated 31.03.1998 instead of the correct document No.4442/2011, dated 02.11.2011. Admittedly, the application to seek amendment of the written statement is filed belatedly after examination of witnesses. The amendment sought is with regard to the registered sale deed. Furthermore, the registered document No.4442/2011, dated 02.11.2011, which is sought to be corrected, is also under challenge. Therefore, if the request of the petitioner/2<sup>nd</sup> defendant to amend the number and date of the wrongly mentioned registered sale deed in his written statement is considered, no prejudice would be caused to the respondents 1 and 2/plaintiffs 1 and 2. Under these circumstances, this Civil Revision Petition merits consideration.

4. Accordingly, the Civil Revision Petition is allowed by setting aside the order under challenge. Consequently, I.A.No.468 of 2018 in O.S.No.12 of 2014, on the file of the VI Additional District Judge, Siddipet, stands allowed. The petitioner/2<sup>nd</sup> defendant is permitted to carry out the amendment sought in the written statement within a period of one (01) week from the date of receipt of a copy of this order.

There shall be no order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

14<sup>th</sup> December, 2018  
Bvv

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Dr. SHAMEEM AKTHER, J