

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 5954 OF 2018

ORDER :

Order dated 10.09.2018 in I.A.No. 268 of 2018 in O.S. No. 89 of 2007 on the file of the Junior Civil Judge's Court at Koilkuntla, refusing to reopen the suit for the purpose of filing the Petition for amendment of plaint, is challenged in this Revision.

Heard learned counsel for the petitioner and perused the material on record.

The petitioner herein is the plaintiff in the above-said suit filed seeking permanent injunction with respect to the suit schedule property. The suit is of 2007 and admittedly, as on date, it is at the stage of arguments. By way of the present Application, the petitioner sought to amend the plaint seeking the relief of declaration of title over the suit property, on the advise of his senior counsel.

In terms of the provisions of the Code of Civil Procedure, particularly Order VI Rule 17, the party shall satisfy the Court that the plea, which is now sought to be introduced by way of the amendment, could not be taken at the earliest point of time, on account of compelling reasons. Satisfaction of the Court with respect to these aspects is held to be sacrosanct. In the case on hand, no reason is forthcoming in the affidavit filed in support of the amendment Petition except that the senior counsel advised to file the same seeking declaration of title over the plaint schedule property. The said reason can hardly be a sufficient ground for allowing amendment after commencement of trial. Now, as it is well-settled by a catena of judgments of the Supreme Court as well

as this Court that unless there are compelling reasons preventing a party from taking a plea at the earliest point of time, amendment of the pleadings cannot be allowed as and when he/she pleases. Inefficiency or ill-advice of the advocate cannot be a ground for allowing the amendment at a belated stage. In view of the fact that the parameters set out for allowing the amendment are not satisfied, this Court finds no fault in the order under Revision.

The Civil Revision Petition is devoid of merit and the same is accordingly, dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

02nd November 2018

ksld

