

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.5844 OF 2017

O R D E R :

This revision is filed against the order dated 03.10.2017 passed in IA.No.1207 of 2017 in OS.No.63 of 2011 by the Prl.Junior Civil Judge, Palakol, wherein the Court below dismissed the application filed by the petitioners/defendants under Order 6, Rule-16, read with Section 151 CPC for striking off the sentence in para-10 of the written statement.

Learned counsel for the petitioners submits that the plaintiff has filed petition for amendment of plaint and introduced para-6 and thereafter the petitioners/defendants filed additional written statement. Now the present application in IA.1207 of 2017 is filed by the petitioners/defendants for striking of last two sentences of paragraph-10 in the written statement filed by them at the first instance, as it is not in consonance with additional written statement filed due to amendment sought by the plaintiff.

On the other hand learned counsel for the respondent/plaintiff submits that the Court below has considered the issue in proper perspective and that the petitioners cannot withdraw the admissions made by them in the written statement.

But, the learned counsel for the petitioners submits that they are only seeking amendment by way of clarification.

Order-6, Rule-16 of CPC reads as follows;

16. Striking out pleadings:- The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading__

- a) which may be unnecessary, scandalous, frivolous or vexatious, or
- b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or
- c) which is otherwise an abuse of the process of the Court.”

After amendment of the pleadings of the plaintiff, the defendants filed additional written statement. Whatever clarification the defendant wanted to give could have been given while filing additional written statement. Unless conditions specified under Order-6, Rule-16 are found, striking down the pleadings does not arise. None of the conditions mentioned in Order-6, Rule-16 are established by petitioner for striking out pleadings, as such, order of Court below dismissing application for striking out pleadings does not require interference. In view of the same, I do not see any reason to interfere with the order of the Court below by exercising power under Article 227 of the Constitution of India.

Accordingly, the CRP is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRP, shall stand closed.

A.RAJASHEKER REDDY, J

08.02.2018

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