

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.7402 of 2017

ORDER:

Heard the learned counsel for petitioner.

2. This Revision is filed challenging the order dt.13-11-2017 in I.A.No.1308 of 2017 in O.S.No.20 of 2013 of the III Additional District Judge, Tirupati.

3. Petitioner is 1st defendant in the suit.

4. The 1st respondent filed the suit for recovery of some money from petitioner.

5. After issues were framed and affidavit in lieu of chief-examination was filed, I.A.No.1308 of 2017 was filed seeking amendment of the plaint for adding a schedule which was not mentioned originally in the plaint. It was stated that the omission was by over sight.

6. By that date, the cross-examination of P.W.1 had not commenced.

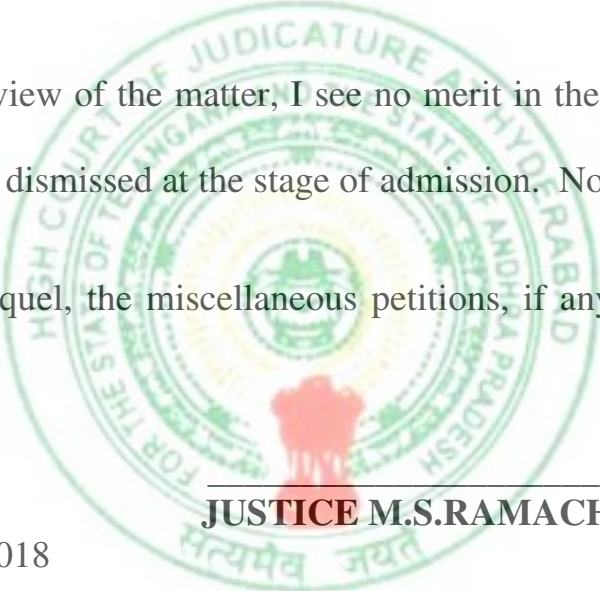
7. Though the petitioner opposed the application for amendment, the Court below allowed it on payment of costs of Rs.1,000/- to the petitioner.

8. Assailing the same, this Revision is filed.

9. Though learned counsel for petitioner seeks to contend that the Court below ought not to have allowed the amendment and there was no necessity to include the properties now shown in the amended schedule in the schedule to the plaint by way of amendment, this contention cannot be accepted since correctness of the case set up in the amendment cannot be considered at the stage whether or not to allow application for amendment. Since cross-examination of P.W.1 had not taken place, it cannot be said that the trial has commenced. Therefore proviso to Order VI Rule 17 C.P.C. will not apply.

10. In this view of the matter, I see no merit in the Revision and it is accordingly dismissed at the stage of admission. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 24-01-2018

vsv