

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.6568 of 2017

ORDER:

Aggrieved by the dismissal of an application under Order VI Rule 17, the plaintiff has come up with the above revision.

2. Heard Smt. Akula, Sunitha, representing Mr. G.L.Nageswara Rao, learned counsel for the petitioner and Mr. G.V. Sreerama Murthy, representing Mr. P. Srinivasa Rao, learned counsel for respondents 1, 4 and 5. Respondents 2 and 3 are sailing with the plaintiff. Therefore, notice is dispensed with.

3. The suit was one for partition. The suit was actually based upon a Will. The Will contained different schedules of property. While reproducing the schedules of property contained in the Will, the petitioner/plaintiff has wrongly interchanged the 'B' schedule with 'C' schedule. Therefore, after realizing the said mistake, the petitioner filed an application for amendment.

4. But the Court below dismissed the application for amendment on the ground that the petitioner slept over the matter from 2009 onwards, and that therefore, the amendment cannot be allowed.

5. But I do not think that the trial Court adopted the correct approach. What was sought by the petitioner was not a very serious amendment. All that the petitioner wanted by way of amendment was to interchange the schedules. The petitioner also wanted the consequential amendments.

6. The nature of the claim made in the plaint, the suit schedule properties etc., did not undergo any change on account of the amendment application. Therefore, the civil revision petition is allowed,

the impugned order is set aside and the application for amendment is allowed. The Court below shall proceed with the trial of the suit and dispose it of within a period of three months.

7. As sequel, miscellaneous petitions pending in this revision, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

29th January, 2017
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.6568 of 2017



29th January, 2017

Js.