

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.7443 OF 2017

ORDER:

This Civil Revision Petition is filed by the petitioner/1st defendant against order dated 04.12.2017 in I.A.No.888 of 2017 in O.S.No.2 of 2016 on the file of the VII Additional District Judge, West Godavari, Eluru, wherein and whereby the Court below allowed the application filed by the 1st respondent/plaintiff for amendment of the plaint under Order 6 Rule 17 read with Section 151 of CPC by inserting the word 'adopted' before the word 'daughter' wherever the word daughter appears in the plaint and also inserting the word 'adopted' before the word father wherever the word 'father' appears.

2. Brief facts which are necessary for disposal of this Civil Revision Petition are as follows:

The petitioner/plaintiff filed the suit against the defendants/respondents seeking the relief of partition of schedule properties into two equal shares and for the allotment of one such share to her. In the suit, the petitioner pleaded that the 1st defendant is her natural father. The 1st respondent filed written statement denying the said plea contending that he has no children and the petitioner is his foster daughter and that she is the biological daughter of one Lanka Seetharamulu and Smt. Sarojini, from whom the petitioner was brought by the 1st defendant. It is the case of the petitioner that in all her

school records, the 1st respondent signed as her natural father and that the 1st respondent had attended all her necessities during her childhood. That after filing written statement, the 1st respondent filed I.A.No.168 of 2016 to obtain his blood samples and also the blood samples of petitioner so as to send the same to an expert for conducting DNA test and at that juncture, the petitioner came to know that she is not the natural daughter of 1st respondent. That the trial Court has not considered the documentary evidence placed by the petitioner and has not conducted any trial to prove the contentions of the petitioner or the 1st respondent. After filing of Civil Revision Petition against the orders in I.A.No.168 of 2016, petitioner came to know that the 1st respondent is not her natural father and that she is born to one Lanka Seetharamulu and Sarojini, who gave her in adoption to the 1st respondent. Since the 1st respondent attended all her necessities as her natural father and also signed on all school records, she was under the impression that the 1st respondent was her natural father, as such, she prays the Court to permit her to amend her claim of natural father as adoptive father and also to permit her to add the word 'adopted' before the word daughter and behind the word father and also prayed to permit her to add the proposed paragraph as shown in the petition.

3. Counter affidavit is filed by the 1st respondent denying the averments in the affidavit filed in support of this application stating that since they had no issues, they had taken care of the petitioner as their foster daughter with care and affection.

At the time of marriage of the petitioner, at the instance of the petitioner, the 1st respondent gave more than Rs.24,00,000/- by selling the land to an extent of Acs.3.00 cents towards pasupukumkuma apart from Rs.4,00,000/- cash. One Lanka Seetharamulu and Sarojini are the natural parents of the petitioner; that this respondent has only brought up the petitioner as his foster daughter; that he has incurred huge amounts towards education besides performing her marriage; that the proposed amendment is absolutely false and baseless and the theory of adoption put forth by the petitioner is a concocted story, as such, he sought for dismissal of this application.

4. The Court below allowed the amendment application only on the ground that in spite of due diligence, the petitioner could not have noticed the proposed amendment at the earliest point of time and that she came to know about her paternity very recently. The Court below also opined that the issue whether the petitioner was given in adoption or not, can be decided at the time of trial. Aggrieved by the same, present Civil Revision Petition is filed preferred by the petitioner/1st defendant.

5. Heard Sri Tolety Ravi Kumar, learned counsel for the revision petitioner/1st defendant and Sri V.Ravinder Rao, learned Senior Counsel appearing on behalf of Sri A.K.Kishore Reddy, learned counsel for the 1st respondent/ plaintiff.

6. Learned counsel for the revision petitioner submits that the petitioner/1st defendant issued reply notice dated 30.11.2015 to the notice issued by the 1st respondent/plaintiff

denying the fact that the 1st respondent/plaintiff is not the daughter of the petitioner and that she is only a foster daughter and her natural parents are Lanka Seeta Ramulu and Sarojini. In the reply notice, it is also stated that the father of the 1st respondent/plaintiff i.e., Lanka Seeta Ramulu is the close relative of the petitioner/1st defendant. He further submits that in spite of reply notice, the 1st respondent/plaintiff in her pleadings in the plaint contended that she is the daughter of the petitioner/1st defendant. He submits that the petitioner filed I.A.No.168 of 2016 praying the Court to obtain his blood samples and also the blood samples of 1st respondent to send the same to experts for conducting DNA test. The trial Court allowed the same vide orders dated 17.01.2017 and aggrieved by the same, the 1st respondent preferred Civil Revision Petition before this Court, wherein also the 1st respondent pleaded that she is the natural daughter of the petitioner. When the petitioner filed by the petitioner is allowed, the 1st respondent filed I.A.No.888 of 2017 for amendment of the plaint, as such, there are no *bona fides* on the part the 1st respondent in filing the amendment petition. He also submits that the 1st respondent cannot withdraw her admission made in the plaint that she is the daughter of the petitioner and that she cannot take inconsistent pleas by way of amendment application to protract the litigation by harassing the petitioner who is aged 80 years old. He also submits that even in the plaint also, there is no mention about the adoption of the 1st respondent by

the petitioner, as such, at the stage of trial, the plea of adoption was introduced, which cannot be permitted.

7. On the other hand, Sri V.Ravinder Rao, learned Senior Counsel appearing on behalf of the 1st respondent submits that in all the school records, petitioner is shown as father of the 1st respondent and 1st respondent was under the impression that he is the natural father, as such, suit is filed on that basis. He submits that due to ill advise, the fact of adoption could not be mentioned in the plaint, as such, after correct legal advise, now application is made to amend the plaint by inserting words 'adopted' before the words 'daughter' and 'father' in the plaint. He submits that as the amendment sought for is before the commencement of trial, as such, Court below, after exercising its discretion allowed the amendment application, therefore, no interference is called for. In support of his contention, he relied on the judgment reported in **Revajeetu Builders and Developers v. Narayanaswamy and sons**¹. He would further submit that in similar circumstances, the Hon'ble Supreme Court in the judgment reported in **Pawan Kumar Pathak v. Mohan Prasad**², held that a son includes adopted son and it is not even necessary to amend the plaint for the purpose of inserting the word 'adopted' and held that the High Court erred in dismissing the amendment application on the ground of inconsistent plea. He also submits that by way of amendment of plaint, there is no change in the cause of action so also the nature of the suit

¹ (2009) 10 Supreme Court Cases 84

² 2016 (4) ALD 45 (SC)

and that there is nothing wrong in allowing the application for amendment of the plaint. He also submits that there is no inordinate delay in preferring the application for amendment of the plaint and that the Court below has rightly allowed the same by exercising its discretion. In support of his contention, he relied on the judgment reported in **Sampath Kumar v. Ayyakannu and another**³.

8. Before considering the rival contentions of both parties, it is useful to look into decision rendered by Apex Court in **Revajeetu Builders and Developers v. Narayanaswamy and sons** (supra), wherein the Hon'ble Apex Court dealt with parameters for considering petition seeking amendment of pleadings.

“Factors to be taken into consideration while dealing with applications for amendments.

63. On critically analyzing both the English and Indian cases, some basic principles emerge which ought to be taken into consideration while allowing or rejecting the application for amendment.
 - (1) Whether the amendment sought is imperative for proper and effective adjudication of the case?
 - (2) Whether the application for amendment is bona fide or mala fide?
 - (3) The amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;
 - (4) Refusing amendment would in fact lead to injustice or lead to multiple litigation;
 - (5) Whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case? And
 - (6) As a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.

These are some of the important facts which may be kept in mind while dealing with application filed under Order 6 Rule 17. These are only illustrative and not exhaustive.”

³ (2002) 7 Supreme Court Cases 559

It is needless to say that this Court has to consider the rival contentions of both sides, keeping in view of the principles laid down by the Hon'ble Supreme Court in the aforesaid judgment. In this case, it is to be seen that the 1st respondent filed suit for partition against the petitioner/1st defendant and other defendants contending that she is the daughter of petitioner and that she is entitled half of share in suit property. Before filing of the suit i.e., O.S.No.2 of 2016, the 1st respondent issued legal notice to the petitioner on 21.11.2015 seeking partition of suit schedule properties. The petitioner/1st defendant got issued reply notice on 30.11.2015 stating as follows:

"3. Our client Ranga Rao's wife is Smt. Appala Narasamma. Our client Ranga Rao and his wife Appala Narasamma had no children and as such they fostered your client right from her childhood. Your client is not the natural daughter of our client Lanka Ranga Rao and his wife Smt. Appala Narasamma. Your client is the daughter of Lanka Seeta Ramulu and Sarojini. Your client's father namely Lanka Seeta Ramulu is a relative of our client Lanka Ranga Rao. Lanka Ranga Rao's father Sri Vasantham garu and Seeta Ramulu's father Guruvulu are brothers. Your client's parents have no sufficient financial status to look after your client. Under those circumstances our client and his wife Smt. Appala Narasamma brought your client to their house in her childhood and treated her with utmost love and affection. Our client Lanka Ranga Rao and his wife bore the expenses towards educational expenses of your client. Our client Lanka Ranga Rao and his wife performed the marriage of your client with Surendra Kumar.

In the aforesaid reply notice, though the petitioner had acknowledged that the 1st respondent is his foster daughter and she is not his natural daughter and that she is the daughter of one Lanka Seeta Ramulu and Sarojini, it is not known why the 1st respondent has not taken the plea of adoption in the plaint, which is filed much later i.e, after issuance of reply notice on

30.11.2015. It is also stated in the reply notice that the petitioner had also paid amount at the time of marriage towards pasupu kumkuma. In the said notice it is also stated that the subject property is not the ancestral property of the petitioner, but it is his self acquired property. It is not stated anywhere in the affidavit filed in support of the amendment application as to why she has not taken the plea of adoption at the time of filing the suit in the year 2016.

9. That apart, it is admitted that the petitioner filed I.A.No.168 of 2016 in O.S.No.2 of 2016 praying the Court below to obtain his blood samples and also the blood samples of 1st respondent for sending the same to expert for conducting DNA test and the said application was allowed by the Court by order dated 17.01.2017. Aggrieved by the same, 1st respondent filed Civil Revision Petition before this Court and admittedly, the same is pending. Even before filing the aforesaid application by the petitioner, the 1st respondent ought to have verified about her paternity with her natural parents i.e., Lanka Seetaramulu and Sarojini, but she has not made any such efforts before instituting the suit.

10. The only reason offered by the 1st respondent for filing amendment application in I.A.No.888 of 2017 in O.S.No.2 of 2016 before the Court below is that after filing of Civil Revision Petition against orders in I.A.No.168 of 2016, she approached the learned counsel appearing in the CRP pending before this Court against order dated 17.01.2017 in I.A.No.168 of 2016, wherein she was advised to cause enquiry with regard to

contention raised by the petitioner as to the contention that she is not his natural daughter. Therefore, she approached her natural parents i.e., Lanka Seeta Ramulu and Sarojini and thereafter she came to know that the petitioner is not her natural father but she born to Lanka Seeta Ramulu and Sarojini and that they have informed the 1st respondent that she was given in adoption to the petitioner and his wife. It is also stated that the 1st respondent is not aware of all these before institution of the suit and even by the time of filing written statement and interlocutory application in I.A.No.168 of 2016, she was under the impression that the petitioner and his wife are her natural parents. The 1st respondent was also under such impression because the petitioner was looked after her since childhood, attended all her necessities as natural father and that he also signed in all school records and caste certificates as natural father and that only after enquiring with her natural parents i.e., Lanka Seeta Ramulu and Sarojini, she came to about the fact that she is adopted daughter of the petitioner and his wife. However, the averments narrated in the affidavit filed in support of I.A.No.888 of 2017 are contrary to the pleadings in the plaint at paragraph No.11, which reads as follows:

“11. The plaintiff submits that she got issued registered lawyer’s notice dated 21.11.2015 to the defendants 1 to 3, requesting the 1st defendant to come forward for amicable partition of the plaint schedule properties and allot the legitimate share and pay the arrears and render the accounts of the properties for the past years. All the defendants received the notice. The plaintiff submits that after receiving the notices the defendants 1 and 2 jointly send a Registered Reply notice dated 30.11.2015 with false, untenable, astonished and unbelievable allegations. In the said reply the 1st defendant alleged that all the properties

are not ancestral properties and they are self-acquired properties of the 1st defendant. In addition to that he stated in the notice that the plaintiff is not daughter of the 1st defendant and his wife Appalanarasamma. They further stated that the plaintiff is a fostered daughter of the 1st defendant and his wife, as such she is not having any right over the joint property. In the Reply further stated that defendant No.2 is the absolute owner of item No.8 and 9 schedule properties. The 1st defendant in the said reply alleged that he has given Ac.3.00 cents of land and Rs.4,00,000/- towards Pasupu Kumkuma to the plaintiff. Subsequently, on the request of the plaintiff, he sold the said property and gave a sale consideration amounts and some more amounts totaling an amount of Rs.24,00,000/- on 25.11.2011 to the plaintiff is false.....”

11. It is pertinent to note here that the petitioner had also taken the similar pleas in the written statement filed in the suit i.e., O.S.No.2 of 2016 as stated in the reply notice dated 30.11.2015. In paragraph 11 of the Written Statement of the 1st defendant/petitioner herein, it is specifically stated that they have no children and that they have fostered the plaintiff right from her childhood and also that the 1st respondent is not their natural daughter and that she is the natural daughter of one Lanka Seeta Ramulu and Sarojini. It is also stated therein that the wife of the petitioner by name Appalanarasamma and the 1st respondent's mother Sarojini are very close friends as they belonged to same village and their houses are situated within very short distance. Since the 1st respondent's parents have no sufficient financial status to look after her, the petitioner and his wife Appalanarasamma brought up the 1st the respondent from their house and treated her with utmost care and affection. It is also stated therein that the petitioner and his wife bore the entire expenses towards the education and they have also performed the marriage of the plaintiff with Surendra Kumar by paying amounts, as stated supra. In paragraphs 13 and 23 of

the Written Statement, it is once again clarified about the position of the 1st respondent, which reads as follows:

“13. This defendant had no issues as mentioned above out of the wedlock. In fact this defendant never adopted either the plaintiff or anybody at an point of time. This defendant also fostered Althi Rama Devi i.e., the elder sister of the 4th defendant and also the 4th defendant herein as his foster children along with the plaintiff. This defendant is very generous and is in the habit of helping his relatives and friends regularly since he had no children. Taking advantage of the fact that this defendant fostered the plaintiff she took undue advantage of the situation at this stage and as such she got filed this present with absolutely false and untenable allegations.”

23. This defendant humbly submits that he belongs to Kondakapu Community and as such he belongs to Schedule Tribe. This defendant studied upto 10th class in Z.P.High School, Pedapadu and all his school records show that he belongs to Kondakapu Community. This defendant contested the elections for the post of Ward Member of the village of Sakalakothapalli which was then a Reserved constituency for Schedule Tribes. In the elections held in the year 1964 this defendant and one Nakka Ananda Rao filed nominations so as to contest in the election. This defendant was elected as Sarpanch in the election conducted in the year 1964. Later Nakka Ananda Rao filed an O.P.No.22/1964 (later renumbered as OP No.4/1966) on the file of the District Munisiff, Eluru, praying to set aside the election of this respondent as Sarpanch. The said O.P.No.22/1964 was dismissed on merits on 30.08.1967. Against the dismissal of O.P.No.22/1964 Sri Nakka Ananda Rao got filed a CRP No.463/1968 on the file of the Hon'ble High Court of Andhra Pradesh which was dismissed on merits by the Hon'ble High Court by its Judgment dated 01.08.1969. Taking into consideration the order passed in O.P.No.4/1966 and also the decision of the Hon'ble High Court of Andhra Pradesh in C.R.P.No.463/1968, dated 01.08.1969 the R.D.O, Eluru passed an order on 20.04.1981 retaining the name of this defendant as Schedule Tribe in the electoral role of 1980 of S.Kothapalli Village. The plaintiff's natural parents Lanka Seetharamulu and his wife Sarojini belongs to Turpukapu Community and as such they belong to B.C and as such the plaintiff belongs to Turpukapu Community (BC). The fact that the plaintiff belongs to TurpuKapu Community (B.C) could be seen from the 10th class Transfer Certificate of the plaintiff issued by the Z.P.High School, Satyavole.”

12. All these factors go to show that the 1st respondent/plaintiff is aware of all the pleas taken by the petitioner/1st defendant even before filing of suit in O.S.No.2 of 2016 that she is not the natural daughter of the petitioner/1st defendant, but she failed to take the plea of adoption in the plaint itself at the time of filing the suit. There is no proper

explanation much less valid reason offered by the 1st respondent in not taking the plea of adoption at the time of institution of suit O.S.No.2 of 2016. That apart, the averments in the plaint as well as in the affidavit filed in support of I.A.No.888 of 2017 are quite contradictory to each other. It is not known as to why the 1st respondent has not made any enquiries with regard to her status as to whether she is adopted daughter or natural daughter of the petitioner, even after receiving reply from the petitioner on 30.11.2015 to the legal notice dated 21.11.2015. The 1st respondent also failed to enquire about her status even after filing of the Written Statement by the petitioner in the suit. Moreover, it is specifically stated in the Written Statement that the petitioner has only brought up the 1st respondent as his fostered daughter, by incurring all expenses towards her education and marriage. Though the 1st respondent has knowledge about all these facts, but she could not file the petition for amending the pleadings in plaint at earliest point of time. However, the Court below by exercising its jurisdiction has allowed the application for amendment of pleadings in the plaint. In **Pawan Kumar Pathak v. Mohan Prasad (supra)**, the Hon'ble Supreme Court, while dealing with similar situation like the present one, held as follows:

“11. The first question that arises for consideration is as to whether there was any pleading in the plaint filed by the appellant to the effect that the appellant was the son of late Hira Lal. We say so because of the reason that the main ground on which the document is not admitted in evidence is that the same goes beyond the pleadings. We have already reproduced paragraph 5 of the plaint hereinabove. A reading thereof squarely demonstrates that the appellant had in no uncertain terms claimed that he was the only son of late

Hira Lal and the only legal heir who was alive after the demise of Hira Lal, Mahadev Prasad, Kesar Devi and Shanti Devi. There cannot be any dispute on this in view of the aforesaid specific pleadings. The controversy which is sought to be raised is that the appellant-plaintiff has never claimed that he was the adopted son, which claim was sought to be made by the amendment of the plaint and this attempt of the appellant had failed.”

12. We are of the view that once the plaintiff has mentioned in the plaint that he was the only son of late Hira Lal, it was not necessary for him to specifically plead that he was an adopted son.

13. Section 3(57) of the General Clauses Act, 1897 defines 'son' as under: "son' in the case of any one whose personal law permits adoption, shall include an adopted son;"

16. There was no justifiable reason for the trial court to reject the aforesaid plea in view of the provisions of Section 3(53) of the General Clauses Act. In fact, it was not even necessary for the appellant to move an application under Order VI Rule 17 of the Code of Civil Procedure, 1908, with an attempt to take a specific plea that he was the adopted son as, we say at the cost of repetition, his plea to the effect that he was the son of late Hira Lal was an adequate plea and to prove that he was the son, he could also place on record the document, i.e., the adoption deed in the instant case, to show that he was the adopted son.

17. Therefore, the dismissal of application for amendment filed by the appellant on the earlier occasion would be inconsequential, though we may hasten to add that the High Court was not entirely justified in rejecting the application on the ground that his plea that he was the adopted son was inconsistent with the earlier plea. We do not see any such inconsistency. Be that as it may, we are of the view that it was not even necessary to seek an amendment of the plaint and, thus, we leave the matter at that.”

In view of principle laid down in the aforesaid judgment of Hon’ble Supreme Court, it cannot be said that the plea raised by the 1st respondent even in the amendment application is inconsistent with the plea taken in the plaint.

13. In **Haridas Aildas Thadani v. Godrej Rustom Kermani**⁴, the Hon’ble Supreme Court held as follows:

“1.....It is well settled that the Court should be extremely liberal in granting prayer of amendment of pleading unless serious injustice or irreparable loss is caused to the other side. It is also clear that a Revisional Court ought not to lightly interfere with a discretion exercised in allowing amendment in absence of cogent reasons or compelling circumstances.”

In the instant case, even according to the 1st respondent, the petitioner has brought up her since childhood and looked

⁴ (1984) 1 SCC 668

after her all necessities till her marriage. Though the explanation offered by the 1st respondent for seeking amendment is that satisfactory, as discussed supra, but the fact remains that the Court below has exercised its discretion and allowed the amendment of plaint, as such, this Court is not inclined to interfere with the discretion exercised by Court below, in view of law laid down by the Hon'ble Supreme Court in the aforesaid judgments in **Sampath Kumar v. Ayyakannu (supra)** and **Haridas Aildas Thadani v. Godrej Rustom Kermani (supra)**, it is fit case to impose costs on the 1st respondent in view of above facts and circumstances.

14. Learned counsel for the petitioner vehemently argued that though the trial has not commenced, the amendment application is filed much belatedly and no cogent reasons are forthcoming from the 1st respondent in filing such application with delay. In **Sampath Kumar v. Ayyakannu (supra)** the Hon'ble Supreme Court held as follows:

“9. Order 6 Rule 17 of the CPC confers jurisdiction on the Court to allow either party to alter or amend his pleadings at any stage of the proceedings and on such terms as may be just. Such amendments as are directed towards putting-form and seeking determination of the real questions in controversy between the parties shall be permitted to be made. The question of delay in moving an application for amendment should be decided not by calculating the period from the date of institution of the suit alone but by reference to the stage to which the hearing in the suit has proceeded. Pre-trial amendments are allowed more liberally than those which are sought to be made after the commencement of the trial or after conclusion thereof. In former case generally it can be assumed that the defendant is not prejudiced because he will have full opportunity of meeting the case of the plaintiff as amended. In the latter cases the question of prejudice to the opposite party may arise and that shall have to be answered by reference to the facts and circumstances of each individual case. No strait-jacket formula can be laid down. The fact remains that a mere delay cannot be a ground for refusing a prayer for amendment.”

In the instant case, Original Suit was instituted in the year 2016 and the amendment of plaint application was filed in the year 2017, as such, the inordinate delay cannot be attributed to the 1st respondent. Moreover, the trial in the suit before the Court is yet to commence. Therefore, in view of principle laid down in the aforesaid judgment, it cannot be said that the 1st plaintiff has filed the amendment application belatedly.

15. Be that as it may, it is pertinent to note that the petitioner herein is aged about 80 years. It is also an admitted fact that the 1st respondent is claiming to be the adopted daughter of the petitioner. As already observed supra, though the Court below has exercised its discretion and allowed the amendment application and the explanation offered by the 1st respondent is not that satisfactory, the Court below ought to have imposed costs on the 1st respondent while allowing the application for amendment of plaint, by considering the age of the petitioner. In **Revajeetu Builders and Developers v. Narayanaswamy and sons (supra)**, the Hon'ble Supreme Court while awarding the costs on the parties who sought amendment of plaint, held as follows:

“61. The Courts have consistently laid down that for unnecessary delay and inconvenience, the opposite party must be compensated with costs. The imposition of costs is an important judicial exercise particularly when the courts deal with the cases of amendment. The costs cannot and should not be imposed arbitrarily. In our view, the following parameters must be taken into consideration while imposing the costs. These factors are illustrative in nature and not exhaustive.

(i) At what stage the amendment was sought?

- (ii) While imposing the costs, it should be taken into consideration whether the amendment has been sought at a pre-trial or post-trial stage;
- (iii) The financial benefit derived by one party at the cost of other party should be properly calculated in terms of money and the costs be awarded accordingly.
- (iv) The imposition of costs should not be symbolic but realistic;
- (v) The delay and inconvenience caused to the opposite side must be clearly evaluated in terms of additional and extra court hearings compelling the opposite party to bear the extra costs.
- (vi) In case of appeal to higher courts, the victim of amendment is compelled to bear considerable additional costs.

All these aspects must be carefully taken into consideration while awarding the costs.

62. The purpose of imposing costs is to:

- a) Discourage malafide amendments designed to delay the legal proceedings;
- b) Compensate the other party for the delay and the inconvenience caused;
- c) Compensate the other party for avoidable expenses on the litigation which had to be incurred by opposite party for opposing the amendment; and
- d) To send a clear message that the parties have to be careful while drafting the original pleadings.”

As already observed *supra*, the petitioner is aged 80 years and he incurred expenditure in defending the petition and filing present revision, which caused inconvenience, therefore, in the facts and circumstances, this Court feels that the petitioner must be compensated adequately by imposing exemplary costs on the 1st respondent.

In view of above facts and circumstances, the impugned order of the Court below is modified to the extent that the amendment petition filed by the 1st respondent is allowed, subject to payment of costs of Rs.50,000/- (Rupees fifty thousand only) to the petitioner/1st defendant, within a period of six weeks from the date of receipt of a copy of this order,

failing which, the trial Court shall not give effect to the amendment.

Accordingly, this Civil Revision Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

02-05-2018
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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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