

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.445 of 2019

ORDER:

This Revision is filed challenging the order dt.19-11-2018 in I.A.No.810 of 2017 in O.S.No.874 of 2016 of the V Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, Hyderabad.

2. Petitioner herein is defendant in the suit.
3. Respondent filed the said suit against him for specific performance of an agreement of sale allegedly executed by petitioner in favour of respondent on 27-12-2014 in respect of the plaint schedule property.
4. Respondent then filed I.A.No.810 of 2017 seeking to amend the plaint by adding that he had paid a further amount of Rs.3,00,000/- to the initial amount of Rs.55,00,000/- towards part sale consideration and to suitably amend the plaint by adding para-4(a) and 13(a) therein. It is his specific case that he made the said payment during the pendency of the suit.
5. Counter was filed by petitioner opposing the said application for amendment and denying the receipt of any part sale consideration during pendency of the suit. He also contended that he encashed a cheque issued by the respondent which was handed over to him by the

relative of respondent for the said amount of Rs.3,00,000/- without noticing who signed the cheque.

6. By order dt.19-11-2018, the Court below allowed the application for amendment observing specifically that the amendment relates to events that are alleged to have occurred after filing of the suit and even if the amendment is allowed, the petitioner would get an opportunity to file additional written statement and so no prejudice would be caused to him.

7. Assailing the same, this Revision is filed.

8. Though learned counsel for petitioner sought to contend that grave prejudice would be caused if the respondent is allowed to amend the plaint by including paras-4(a) and 13(a), I am unable to accede to the said view. This is because while deciding whether or not to allow the amendment application, the merits of the case set up in the amendment cannot be gone into. Therefore, the stand of the petitioner with regard Rs.3,00,000/- cannot be considered at this stage. The petitioner would have an opportunity to amend his pleading or file additional written statement and no prejudice would be caused to petitioner.

9. I therefore do not find any merit in the Revision and it is accordingly dismissed at the stage of admission. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-03-2019

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