

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.519 of 2019

ORDER :

This Revision is filed challenging the order dt.20-11-2018 in I.A.No.113 of 2017 in O.S.No.671 of 2014 of the VII Junior Civil Judge, City Civil Court, Hyderabad refusing to permit the petitioners to amend the cause title in the plaint.

2. Petitioners are plaintiffs in the suit and they described themselves in the plaint as President and Secretary of Quadeer Residency.

3. When the suit is posted for arguments, they filed an application invoking Rule 9 of Civil Rules of Practice and sought to modify the cause title to add the words 'Quadeer Residency' before their respective names, making it look as if 'Quadeer Residency' is the plaintiff in the suit and not the petitioners, who are individuals holding the office of President and Secretary of the Society called 'Quadeer Residency' registered under the Telangana Societies Registration Act, 2001.

4. This application was opposed by defendants/respondents contending that it is only filed to fill up the lacuna in their case and it is not maintainable at the stage of addressing of arguments.

5. By order dt.20-11-2018, the Court below dismissed the said application. It observed that petitioners did not plead in the application I.A.No.113 of 2017 why they mis-described the parties in the cause title of the plaint and also they did not state that despite due diligence, the mistake occurred. It noted that evidence was closed and the matter is posted for arguments, and at that belated stage, this application has been filed after cross-examination of P.W.1 and after eliciting that petitioners did not make 'Quadeer Residency' as a party, so as to fill up that lacuna. It also held that Rule 9 of Civil Rules of Practice envisages only disclosure of the Court name and parties to the suit in the cause title, but it does not permit additions or prefixes to the description of parties.

6. Challenging the same, this Revision is filed.

7. Learned counsel for petitioners sought to contend that petitioners have only sought to correct the description of the parties in the cause title and no prejudice is caused to the respondents.

8. It is not denied by the learned counsel for petitioners that it was pointed out in the written statement filed in August, 2014 by respondents about non-impleadment of Society as a party to the suit. Therefore, the petitioners should have cured the defect, if any, in making the Society as a party to the suit, by filing an application for amendment to the cause title in the plaint before trial commenced. Now after trial is concluded and when the matter is posted for

arguments, petitioners cannot be permitted without establishing due diligence, to amend the cause title to make it look as if it is the Society which filed the suit.

9. Therefore, I see no error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its power under Article 227 of the Constitution of India.

10. The Civil Revision Petition is accordingly dismissed. The interim order already granted earlier stands vacated. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-05-2019

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