

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2824 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners, challenging the order, dated 31.10.2019, passed in I.A.No.100 of 2019 in O.P.No.189 of 2015, by the XIV Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad, whereby, the petition filed by the petitioners under Order VI Rule 17 read with Section 151 of CPC seeking to amend the section of law from Section 163(A) to Section 166 of the Motor Vehicles Act, 1988, in the cause title and on the docket of the claim petition, was dismissed.

2. Heard the learned counsel for both the sides the perused the record.

3. The learned counsel for the petitioners would contend that the order under challenge is erroneous. Amendment to the pleadings can be permitted at any stage for determining the real controversy. The Court below ought to have allowed the subject interlocutory application and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. The learned counsel for the respondents fairly conceded to the submissions of the learned counsel for the petitioner and

reported no objection to grant the relief claimed by the petitioner.

5. There is no limitation to file a claim petition under the provisions of Motor Vehicles Act, 1988. In the instant case, the petitioner wanted to amend the provision of law from Section 163(A) to Section 166 of the Motor Vehicles Act, 1988 in the cause-title and on the docket of the claim petition. Such an amendment is permissible. Further, such amendment would not cause any prejudice to the contesting respondent/s. The Court below ought to have allowed the subject interlocutory application.

6. Under these circumstances, the impugned order, dated 31.10.2019, passed in I.A.No.100 of 2019 in O.P.No.189 of 2015, by the XIV Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad, is set aside. Consequently, the subject I.A.No.100 of 2019 stands allowed as prayed for.

7. The Civil Revision Petition is, accordingly, allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this CRP, shall stand closed.

18th December, 2019
Bvv

Dr. SHAMEEM AKTHER, J