

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
And
THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CIVIL REVISION PETITION No.4263 of 2018

ORDER: *(Per Hon'ble Sri Justice M.S. Ramachandra Rao)*

Heard the learned counsel for petitioner and learned Standing Counsel appearing for respondent.

2. This Revision is filed by the petitioner challenging the order dt.12-06-2018 in I.A.No.451 of 2017 in COS No.249 of 2017 of the Judge, Commercial Court-cum-XXIV Additional Chief Judge, City Civil Courts at Hyderabad.

3. In the said order, the Court below has dismissed the application for amendment filed by petitioner by going into the correctness of the pleadings raised by the petitioner in the application for amendment. Petitioner had merely sought to substitute para-IV and para-IX in the plaint taking pleadings as to entitlement of the petitioner for seeking interest under Section 16 of the Micro Small Medium Enterprises Development Act, 2006.

4. The Court below has taken a view that the provisions of the said enactment are not retrospective in nature and in doing so, it has decided the correctness of the claim set up in the amendment application.

5. It is settled law that while deciding whether or not to allow amendment to a pleading, the Court cannot go into the correctness of

the pleading raised in the amendment application or the relief sought to be substituted by way of amendment application.

6. In this view of the matter; the impugned order cannot be sustained and it is accordingly set aside; and I.A.No.451 of 2017 in COS No.249 of 2017 is allowed.

7. The Civil Revision Petition is allowed as above. No costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

JUSTICE K. LAKSHMAN

Date: 13-11-2019

Vsv

