

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

and

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

Civil Revision Petition No.265 of 2020

ORDER : (per Hon'ble M.S. Ramachandra Rao)

Heard the counsel for petitioner.

2. This Civil Revision Petition is filed challenging the Docket Order dt.27.11.2019 passed in Interlocutory Application No.419 of 2017 in C.O.S.No.160 of 2017 on the file of the Judge, Commercial Court – cum – XXIV Additional Chief Judge, City Civil Court, Hyderabad, partly allowing the said I.A. and disallowing a portion of paragraph No.III(16) proposed to be included in the plaint pleadings by the petitioner on the ground that the same is not a consequential amendment.

3. Admittedly, the impugned order was passed pursuant to the remand order passed by this Court in Civil Revision Petition No.7142 of 2018 directing the Court below to deal with 'consequential' amendments sought by the petitioner after impleading the purchasers *pendent elite* who are alleged to have purchased in violation of the interim injunction order granted by the Court below.

4. The portion disallowed by the Court below in the proposed paragraph No.III(16), in our considered view, cannot be termed to be

a 'consequential' amendment, but is to be treated as a further amendment being sought by petitioner to the pleading in the plaint.

5. Therefore, we do not find any error of jurisdiction in the order passed by the Court below in declining to allow inclusion in the plaint the portion of the proposed paragraph No.III(16).

6. However, liberty is granted to petitioner to seek addition of what is now left out in the impugned order of the Court below by way of a separate application for amendment under Order 6 Rule 17 of Civil Procedure Code, 1908.

7. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

JUSTICE T. AMARNATH GOUD

Date: 11.02.2020

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