

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.1555 of 2018 and
CMP.No.8345 of 2018

P.Sakthi

..Petitioner

Vs.

M.Manohar

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 14.12.2017 in IA.No.14873 of 2014 in OS.No.6755 of 2013 passed by the learned III Assistant City Civil Judge at Chennai.

For Petitioner : Mr.J.T.Rajasuriya

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed against the order dated 14.12.2017 in IA.No.14873 of 2014 in OS.No.6755 of 2013 passed by the learned III Assistant City Civil Judge at Chennai, thereby dismissing the petition seeking amendment in the written statement.

2. The petitioner is the defendant and the respondent is the plaintiff. The respondent filed suit for recovery of money. On receipt of summon, the petitioner filed her written statement. Thereafter, she filed petition for seeking amendment in the written statement filed by her for the reason that her counsel erroneously failed to incorporate some important material facts due to his inadvertence and also misunderstanding of facts. While pending the petition, again the petitioner filed IA.No.129 of 2015 seeking amendment in the amendment petition and the same was allowed on 11.12.2015. However, the court below wrongly recorded IA. In the A-diary even then, it shows that IA.No.14873 of 2014 is pending. Finally it was adjudicated and the dismissed the same by fair and decretal order dated 14.12.2017.

3. On perusal of records, it shows that the amendment sought for by the petitioner in the written statement is very extensive and the petitioner cannot change written statement altogether by way of amendment. She failed to establish that in spite of due diligence, she could not raise the matter before the commencement of trial. The proposed amendment itself would show the malafide intentions of the petitioner herein. Therefore, the court below rightly dismissed the same and this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

18.06.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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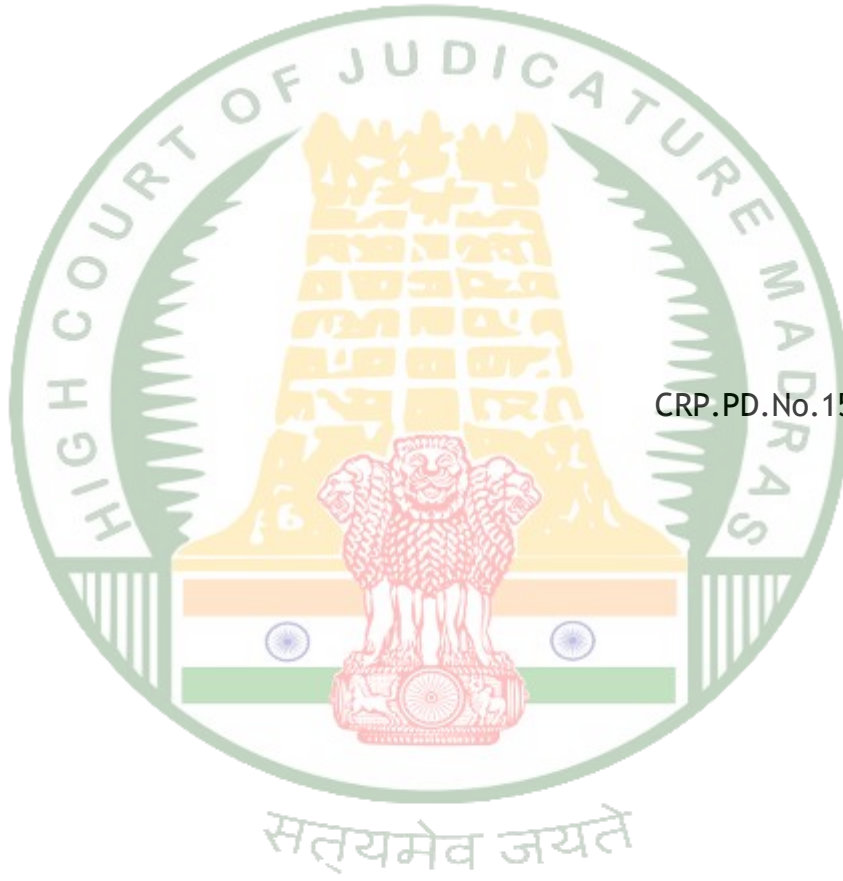
The III Assistant Judge,
City Civil Court at Chennai.



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G.K.ILANTHIRAIYAN,J.

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