



C.M.P.No.18499 of 2021 in W.A.No.888 of 2015

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D.KRISHNAKUMAR, J.

AND

P.B.BALAJI, J.

Pending Writ appeal, this miscellaneous petition is filed to amend the prayer in the writ petition.

2. The learned Senior counsel Mr.G.Rajagopalan appearing for the petitioner/appellant would submit that when the writ appeal is pending, the first respondent has amended the by laws and therefore, he has filed the instant application for amendment of the prayer in the writ petition by filing additional grounds in the appeal. Therefore, seeks to amend the prayer in the writ petition. He would further submit that original prayer in the writ petition will sustain and the entire arguments of the appellant is based on the circular issued by the Central Government dated 26.12.2008, 12.3.2009 that will not bar the appellant to participate in the selection trials and international Bridge events. Therefore, the learned Senior counsel prays for allowing the amendment application.

3. Mr.Srinath Sridevan, learned Senior counsel appearing for the first respondent strongly opposed the amendment petition by stating that the



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amendment will not only alter the nature and character of the writ petition but

new cause of action will arise in the writ petition and therefore, application

seeking amendment of the prayer in the writ petition, prima facie is not

maintainable. The writ petition filed by the appellant was dismissed by this

Court on 24.6.2015 and the appeal has been preferred by the writ petitioner. At

this stage, an application seeking amendment of the prayer in the writ petition

is not maintainable. The learned Senior counsel relied on the judgment of the

Hon'ble Supreme Court in **VISHWANATH DADU GURAV SINCE**

DECEASED THROUGH LEGAL REPRESENTATIVE AND OTHERS

VS. DATTATRAY GANAPATI GURAV [(2016) 15 SCC 671] wherein the

Hon'ble Supreme Court held as follows:

"13.No doubt, when there existed no ground of challenge on merits in the writ petition, the High Court could not have adverted to it. We are also conscious of the fact that if a party is allowed to seek amendment in the grounds of appeal or writ petition after its disposal, it can lead to abuse of process of law, and the parties would not let the proceedings come to an end. As such, we are not inclined to allow the appellants to add grounds in the writ petition by way of amendment, after its disposal. However, considering the peculiar facts and circumstances of the present case, we are of the view that to do complete justice between the parties, the matter needs to be remitted to the appellate court, as the reasons given by the said court reversing the findings



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of the trial court, are not sufficient, and do not answer properly the issues raised in the appeals."

4. In reply to the submission made by the learned Senior counsel appearing for the first respondent, the learned Senior counsel appearing for the appellant has submitted that even if the application is not entertained, the same will be challenged independently. The original prayer as sought for in the writ petition will sustain and the same will be decided on its own merit.

5. Considering the aforesaid submissions of the parties, if the amendment application is allowed, the nature and character of the writ petition will be changed. Therefore, the amendment application cannot be entertained for the reason that new cause of action will arise in the writ petition and in the light of decision cited supra, we are of the view that the amendment petition is not maintainable. The appellant if aggrieved, it is open to him to challenge the same independently, if so advised.

With the above observations, the amendment petition is dismissed as not maintainable. Post the Writ appeal for final disposal on 18.7.2023.

(D.K.K.J.) (P.B.B.J.)
12.7.2023

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Dated: 12.7.2023