



4. The learned Counsel submitted that the proper course would have been to bring the legal representatives on record and thereafter an application for amendment in the Plaint ought to have been filed. It was forcefully submitted that since legal representatives were not parties to the suit they could not have sought amendment in the Plaint.

5. So far as the Application to bring the legal representatives on record, it appears that the said Application was preferred within the statutory period of limitation from the date of death of the original Plaintiff. The trial court has recorded a finding that the persons who were sought to be impleaded as legal representatives of the deceased Plaintiff were the legal representatives of the Plaintiff.

6. The submission on behalf of the Petitioners that the Court would not have permitted the legal representatives to amend the Plaint by the very Application by which they sought their impleadment, is required to be appreciated from the perspective as to whether the said course has caused any substantial prejudice to the Defendants.

7. It is not the case that opportunity of hearing was denied to the Petitioners-Defendants. The trial court has also considered the objection raised by the Defendants to the amendment in the Plaint. The trial court found that the averment sought by way of proposed amendment was in the nature of subsequent events. It is trite that the Court is required to take cautious cognizance of the subsequent events.

8. Therefore, on the substance of the matter, the Court does not find any infirmity in the impugned order. As regards the correctness of the procedure adopted by the learned Civil Judge it does not appear that the said course has caused irretrievable prejudice to the Defendants.

9. This, this Court does not find any justifiable reason to interfere with such order which otherwise does not cause any substantial prejudice to the Defendants.

10. Hence the Petition stands dismissed.

[N. J. JAMADAR, J.]