IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF JANUARY TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL

CIVIL REVISION PETITION NO: 193 OF 2025

Petition Under Article 227 of the constitution of India aggrieved by the Order dated 10-12-2024 Passed in I.A. No. 1089 of 2024 in O.S.No.484 of 2014 on the file of the Court of the XIV Additional Chief Judge, City Civil Court at Hyderabad.

Between:

Sri Inampudi Rama Mohan Rao, S/o. Late Brahmaiah, aged 75 years, Occ Retd. Employee, R/o. H.No.8-2-293/82/C/411, Jubilee Hills, Hyderabad, Telangana State.

...Petitioner/Petitioner/Plaintiff

AND

1. Smt. B. Indira, W/o. Late D. Srikanth Vittal, Aged about 62 years, Occ Retd. Government Employee
2. Miss. D. Sravanthi Vittal, D/o. D. Srikanth Vittal, Aged 41 years, Occ: House hold.
3. Miss. D. Sruthi Vittal, D/o. Late D. Srikanth Vittal, Aged about 36 years, Occ: Private Employee.
4. Mr. D. Shashi Vittal, S/o. Late D. Srikanth Vittal, Aged 32 years, Occ : Student. (All are R/o. H.No.B-51, II Floor, Journalist Colony, Jubilee Hills, Hyderabad).

...Respondents/Respondents/Defendants

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of the suit proceedings in O.S.No.484 of 2014 on the file of the XIV Additional Chief Judge, City Civil Court, Hyderabad, pending disposal of the above Civil Revision Petition.

Counsel for the Petitioner : Sri Atchutananda Dondeti
Counsel for the Respondents: ---

The Court made the following: ORDER

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL

CIVIL REVISION PETITION No.193 of 2025

ORDER:

Heard Sri Atchuthananda Dondeti, learned counsel for the petitioner on admission.

2. This petition filed under Article 227 of the Constitution assails the order dated 10.12.2024 in I.A.No.1089 of 2024 in O.S.No.484 of 2014 on the file of the XIV Additional Chief Judge, City Civil Court at Hyderabad, whereby the application filed by the petitioner/plaintiff under Section 151 of C.P.C. seeking to re-open the suit for amendment of pleadings, has been rejected.

3. Learned counsel for the petitioner submits that, no doubt in a suit filed in the year 2014, the plaintiff/petitioner had not filed application seeking amendment of pleadings till the matter was finally heard and reserved for judgment. However, by placing reliance on the judgment of Supreme Court in **Vidyabai v. Padmalath**[1], it is submitted that the trial Court has not examined the points raised in the amendment application and rejected the

[1] (2009) 2 SCC 409

same on technical ground of delay. Therefore, the impugned order may be set aside.

4. I have heard the matter at length.

5. The parameters to decide an application filed seeking amendment of pleadings before the commencement of trial and after commencement of trial are different. If the amendment application is filed before commencement of trial, it must be treated leniently, whereas the amendment application filed post commencement of trial must establish due diligence.

6. In the instant case, admittedly, the amendment application was filed after the matter was finally heard and reserved for judgment. In this backdrop, the judgment in the case of **Vidyabai** (supra) is of no assistance to the petitioner.

7. The trial Court has taken a plausible view. The scope of interference under Article 227 of the Constitution is limited. If the impugned order is passed by a Court having no jurisdiction, order suffers from any patent illegality or palpable procedural impropriety, interference can be made. Another view is possible, is not a ground for interference. This Court cannot act as bull in

the china shop to interfere on mere asking (see **Shalini Shyam Shetty vs. Rajendra Shankar Patil**[2]). In the instant case, there is no ingredient on which interference can be made.

8. In the result, the Civil Revision Petition is **dismissed**. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Additional Chief Judge, City Civil Court at Hyderabad
2. One CC to Sri Atchutananda Dondeti, Advocate [OPUC]
3. Two CD Copies

ADK

CHR

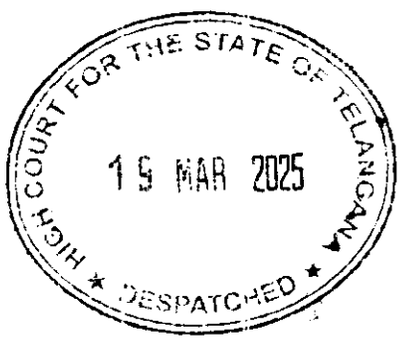
[2] (2010) 8 SCC 329

HIGH COURT

DATED:24/01/2025

ORDER

CRP.No.193 of 2025



DISMISSING THE CRP
WITHOUT COSTS

(S) CHR
12/2/25