**THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

**CIVIL REVISION PETITION No.1968 of 2023**

**ORDER:**

Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioners, and Sri Penumaka Ajay Babu, learned counsel for the respondents, apart from perusing the material available on record.

2. This revision, filed under Article 227 of the Constitution of India, calls in question the order, dated 04.08.2023, passed by the Court of the learned X Additional District Judge, Krishna District at Machilipatnam in I.A.No.411 of 2022 in O.S.No.77 of 2013. Petitioners in the present revision are the defendants in the aforementioned suit, instituted by the respondents for Specific Performance of Contract of Sale. Petitioners herein filed the present application *vide* I.A.No.411 of 2022 under the provisions of Order VI Rule 17 CPC, seeking amendment of the written statement, for deletion of the word 'plaintiffs' and insertion of the word 'defendants' at line No.6 of paragraph No.11 of the written statement. Plaintiff

resisted the said application by way of filing counter. The learned District Judge, by way of the order impugned in the revision, dismissed the application. Hence, the present revision.

3. According to the learned counsel for the petitioners, the order passed by the learned Additional District Judge is highly erroneous, contrary to law and opposed to the provisions of Order VI Rule 17 CPC. In elaboration, it is further contended that the proposed amendment would not cause any prejudice to the case of the plaintiffs, as such, the learned Judge ought to have allowed the application. It is also the submission of the learned counsel that the reasons assigned by the learned Additional District Judge in the impugned order are neither sustainable nor tenable in the eye of law.

4. On the contrary, learned counsel for the plaintiffs-respondents, strongly resisting the revision, contends that there is no error in the order passed by the learned Additional District Judge, warranting interference of this Court under Article 227 of the Constitution of India. It is

also the submission of the learned counsel that, having regard to the reasons mentioned in the order impugned in the present revision, the order of the learned District Judge cannot be faulted.

5. In the above background, the issue that emerges for consideration of this Court in the present revision is:

> *"Whether the order passed by the learned Additional District Judge, which is impugned in the present revision, is sustainable and tenable and whether the same warrants any interference of this Court?"*

6. The affidavit, filed in support of the application, is totally silent as regards due diligence exercised by the petitioners. In fact, after elaborately discussing all the above issues, the learned Judge dismissed the application filed by the petitioners herein. Therefore, this Court is not inclined to meddle with the well-articulated order passed by the learned Additional District Judge, in exercise of the jurisdiction under Article 227 of the Constitution of India, in the absence of any jurisdictional error or patent perversity.

7. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this case, shall stand closed.

**A.V.SESHA SAI, J**

27th December, 2023.
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