

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CIVIL REVISION PETITION NO: 530 OF 2020

Petition under Article 227 of the Constitution of India, against the Order dated.13.12.2019 passed in I.A.No.278 of 2019 in O.S.No.54 of 2018, on the file of Principal District Judge at Nizamabad.

Between:

Yerra Naveen, S/o. Ramesh, aged 35 years, Occ. Business, R/o. Flat No.503, Sanjana Lake View, Gangasthan, Doolapally, Qutubulupura, Ranga Reddy District.

...Petitioner/Respondent/Defendant

AND

Bucha Lingam, S/o. Kishtaiah, aged 47 years, Occ. Business, R/o. 11-1-879/1, New NGOs Colony, Nizambad, Nizamabad District.

...Respondent/Petitioner/Plaintiff

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to stay of all further Proceedings in O.S.No.54 of 2018 on the file of Principal District Judge at Nizamabd, Nizamabad District.

Counsel for the Petitioner: SRI CH. VENKAT RAMAN

Counsel for the Respondent: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.VINOD KUMAR
CIVIL REVISION PETITION No.530 of 2020

ORDER:

This revision petition is preferred against the order dated 13.12.2019 passed in I.A. No. 278 of 2019 in O.S. No. 54 of 2018 on the file of the Principal District Judge, Nizamabad.

The petitioner herein is the respondent in the I.A. and defendant in the Suit.

The Respondent -Plaintiff filed a suit O.S. 54 of 2018 for recovery of money, wherein the date of transaction of hand loan given by the respondent to the petitioner is mentioned as 19.04.2015. However, noticing that the said date has been wrongly mentioned instead of 19.04.2014 due to typographical error, the respondent filed the I.A. No. 278 of 2019 under Order VI Rule 17 CPC seeking to amend the plaint by correcting the date of the transaction of hand loan as 19.04.2014 instead of 19.04.2015 as mentioned in the plaint.

The said I.A. was allowed by the Court below on 13.12.2019 allowed. Aggrieved by the order passed allowing the I.A. the present revision is preferred.

Heard learned Counsel for the petitioner. It is the contention of the revision petitioner that the court below erred in allowing the application filed by the respondent-plaintiff, while keeping the application filed by the petitioner-defendant under Order VII Rule 11 seeking for rejection of plaint, pending. Further, it is also contended that the alleged document, the date of which is sought to be corrected in the plaint would not

constitute a valid promissory note and is required to be compulsorily registerable document, the court below ought not to have allowed the Interlocutory Application.

As seen from the order of the Court below, the application filed under Order VI Rule 17 CPC was allowed, as no counter was filed by the petitioner-respondent in spite of granting sufficient opportunity; and the petition filed is only to correct the typographical mistake.

The case as pleaded by the respondent-plaintiff in the suit is that the plaintiff gave money to the petitioner-respondent on number of occasions and being a near relative, the same was reduced into writing on white paper and signed by the defendant and his wife. The amounts are stated to have been advanced on various dates starting from March, 2013 and in respect of one such amount of Rs. 3,00,000/- it is stated to have been advanced on 19.04.2015. It is only this date of 19.04.2015 mentioned in the plaint, the respondent sought for correct as the year 2015 has been wrongly mentioned instead of the year 2014.

The respondent-plaintiff along with the plaint filed documents stated to have been executed by the petitioner-defendant acknowledging the receipt of the amounts advanced and is not seeking to introduce any new documents so as to change cause of action and is only seeking to correct the typographical mistake crept in in the plaint as the date sought to be corrected is already mentioned in the receipt executed by the petitioner-defendant.

In view of the above, this court is of the view that the court below is justified in passing the order allowing the IA and the order passed does not suffer any error warranting interference.

Therefore, the present revision is without merit and is, accordingly, dismissed at admission stage. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

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SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

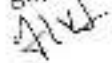

SECTION OFFICER

To,

1. The Principal District Judge at Nizamabd.
2. One CC to Sri Ch. Venkat Raman, Advocate [OPUC]
3. Two CD Copies

MMK

ghr



HIGH COURT

DATED: 28/02/2020



ORDER

CRP.No.530 of 2020

**DISMISSING THE CIVIL REVISION PETITION AT
ADMISSION STAGE**

④
14/6/21
HVL