
(1999) 12 AP CK 0063
In the Andhra Pradesh High Court
Case No : C.R.P. No. 4061 of 1995

Mundlapati Peda Venkaiah	Vs	APPELLANT
Kotha Guravaiah (died) and Others		RESPONDENT

Date of Decision : 10-12-1999

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 1, Order 6 Rule 17

Citation : (2000) 3 ALT 431

Hon'ble Judges : I. Venkatanarayana, J

Bench : Single Bench

Advocate : P.S. Narayana, for the Appellant; K.V. Subba Reddy, for the Respondent

Final Decision : Allowed

Judgement

1. Venkatanarayana, J.—The judgment-debtor in the revision petitioner. The revision petition has been filed by the judgment-debtor questioning the order passed by the Principal District Munsif, Gurazala allowing an amendment petition filed by the decree holder under Order 6 Rule 17 CPC permitting him to amend the cause listed amendment in E.P. No. 14 of 1989 in Col. No. 12. The trial Court allowed the petition on the ground that no harm will be caused to both sides. Aggrieved by that short order the present revision petition has been filed.

2. Sri P.S. Narayana, the learned Counsel for the petitioner-judgment-debtor has raised a very interesting question of law and contended that Order 6 Rule 17 CPC is meant only for amending the pleadings and it cannot be applied to the execution proceedings. He drew my attention to the provisions of Order 6 Rule 1 CPC which defines "pleadings" as "pleadings" shall mean plaint or written statement. In view of the clear provision, the amendment ordered by the trial Court is unsustainable and the same is liable to be set aside. However, I make it clear that the decree holder is at liberty to file a fresh execution petition if he is so advised. The C.R.P. is accordingly allowed. There will be no order as to costs.