

Supreme Court of India

Sudama Prasad Sah vs Ram Singhason Choudhry And Ors. on 8 December, 1982

Equivalent citations: AIR 1983 SC 270, 1982 (2) SCALE 1364, (1983) 1 SCC 399

Bench: A N Sen, P Bhagwati, R Pathak

ORDER

1. This is an appeal against an order passed by the High Court in revision setting aside an order of the trial court allowing amendment of the plaint in a suit for specific performance filed by the appellant against the respondents. It is true that the High Court ordinarily should not interfere in revision with an order passed by the subordinate court allowing an amendment and in this case the amendment only sought to introduce an express averment of readiness and willing-ness and perhaps, therefore, we might have interfered with the order of the High Court, but having regard to the nature of the claim, we do not think it necessary in the interests of justice that we should interfere with the order of the High Court in the exercise of our extraordinary jurisdiction under Article 136 of the Constitution. Of course, it will be open to the appellant to argue that the facts as stated in the plaint constitute sufficient averment of his readiness and willing-ness to carry out his part of the contract and it will be for the trial court to decide whether such argument is valid or not. In the circumstances we reject the appeal with no order as to costs.