

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.429 of 2015

-
Dated 20.02.2015

Between:

Smt.Swarna Priya and another

...Petitioners

and

G.Koteswara Rao

...Respondent

Counsel for the Petitioners: Mr.K.R.Koteswara Rao

Counsel for the respondent: ---

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 26.09.2014, in IA.No.2367 of 2012 in OS.No.116 of 2012, on the file of the Court of the learned I Additional District Judge, Ranga Reddy District at L.B.Nagar, Hyderabad.

I have heard Mr.K.R.Koteswara Rao, learned Counsel for the petitioners, and perused the record.

The respondent filed the above-mentioned

suit for cancellation of gift deed bearing document No.1981/2011, dated 02-12-2011, executed by petitioner No.2 in favour of petitioner No.1. Pending the suit, the respondent has filed IA.No.2367 of 2012 seeking amendment of the plaint by incorporating the relief of partition of the plaint schedule properties into two equal shares in accordance with Angeekara Pathram, dated 31-07-2011, by metes and bounds. This application was opposed by the petitioners. However, the lower Court, by the order under revision, has allowed the said application.

At the hearing, the learned Counsel for the petitioners submitted that the proposed relief of partition, as claimed by the respondent, is contrary to Section 14 of the Hindu Succession Act, 1956 (for short 'the Act'), inasmuch as the respondent has not sought for division of the plaint schedule properties into three equal shares and that he has completely ignored the share of his mother *i.e.*, petitioner No.2 herein, who is also entitled to equal share.

In my opinion, the tenability or otherwise of the proposed relief claimed by the respondent is not a relevant aspect for allowing the amendment. So

long as the proposed amendment is not barred by any law, the same can be permitted in order to avoid multiplicity of proceedings. If the proposed relief is contrary to Section 14 of the Act, the petitioners can urge the Court below to reject such relief. In this view of the matter, I do not find any jurisdictional error in the order of the lower Court allowing the application of the respondent for amendment of the plaint.

For the above-mentioned reasons, this Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.543 of 2015, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 20th February, 2015
LUR