

IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH

-

C.R.P.No. 2417 of 2015

Between:

D. Mohan Raju and others

... Petitioners

and

D. Kasthuramma (died) and others

-

... Respondent/s

DATE OF JUDGMENT PRONOUNCED: 21.8.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- | | | |
|---|---|-----------|
| 1 | <u>Whether Reporters of Local newspapers may be allowed to see the Judgments?</u> | <u>No</u> |
| - | | |
| 2 | <u>Whether the copies of judgment may be marked to Law Reports/Journals</u> | <u>No</u> |
| - | | |
| 3 | <u>Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?</u> | <u>No</u> |

-

-

-

-
-
-
THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-
-
C.R.P. NO. 2417 of 2015

-
ORDER:

Heard learned counsel for the petitioners.

The petitioners are defendants 2 to 6 in O.S.No. 111 of 2011 on the file of the Senior Civil Judge, Srikalahasthi and they are aggrieved by the order dated 24.4.2015 passed by the trial Court in I.A.No. 186 of 2015 permitting the amendment of the plaint.

Admittedly the said suit was initially filed for permanent injunction and later it was converted into one for declaration by the said amendment. The conversion of the suit was not opposed by the defendants. However, the respondents/plaintiffs filed the present application seeking to amend the plaint by inserting the necessary pleadings relating to the source of title. Since the trial in the suit has admittedly not commenced, the trial Court permitted the amendment of the plaint.

The learned counsel for the petitioners questions the order of the trial Court on the ground that repeated

applications for amendment were entertained and allowed by the trial Court and thereby the pleadings of the petitioners/defendants in the written statement are now sought to be rebutted by the proposed amendment of the plaint. I am unable to see any validity in the said contention, inasmuch as having permitted the plaintiffs to seek amended relief of declaration, the pleadings relating to source of title in support of the said relief was also essential and was rightly allowed by the trial Court. I find no reasons to interfere with the order of the trial Court.

Hence the civil revision petition is dismissed, along with miscellaneous applications, if any. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt.21.8.2015
KR