

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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C.R.P. NO. 3273 of 2014

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Date of Judgment: 7.4.2015

Between:

Guduri Sivakrishna and others

...Petitioners

And

Guduri Venkaiah and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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C.R.P. NO. 3273 of 2014

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ORDER:

The petitioners herein are the plaintiffs in O.S.No. 28 of 2005 on the file of Addl. Senior Civil Judge, Ongole. It appears that at the stage of arguments in the suit, the plaintiffs filed I.A.No. 454 of 2014 seeking permission to amend items 1 to 5 of plaint schedule property. Defendant No.3 filed a counter and in paragraph-5 it is accepted that item No.1 of plaint 'A' schedule was wrongly shown, however it is contended that the plaintiffs did not take steps to correct the same even after the suit was posted for arguments. With regard to amendment of other items, there is serious contest by the defendants.

Under the impugned order, the court below declined to permit the plaintiffs to amend the plaint as sought for on the ground that the suit was finally posted for arguments and at that stage, the plaintiffs could not seek amendment of the plaint. The said order is questioned in this revision petition.

I have heard learned counsel for either side.

To the extent of amendment of item No.1 for correction of S.No. 5/1 as '511' in item No.1 of 'A' schedule property it can be allowed as there is no serious contest by the defendants and no further trial is necessary if the said amendment is allowed. However, I do not find any justification to permit the amendment of other items 2 to 5, as by that amendment the survey numbers and boundaries of the suit schedule property would be changed and it would cause serious prejudice to the contesting defendants. Hence to that extent, the trial Court has rightly disallowed the amendments, which require no interference.

Hence the revision petition is partly allowed, the impugned order is modified only to the extent of permitting amendment of S.No. 5/1 as 'S.No.511' in item No.1 of 'A' schedule property and it is disallowed in respect of other amendments. Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 7.4.2015

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