

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

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CIVIL REVISION PETITION NO.1982 OF 2015

Between:

Bodapudi Veerabhadra Rao

... Petitioner

and

Bodapudi Veera Venkata Hanumantha Rao,  
and others.

... Respondents

**SUBMITTED FOR APPROVAL:**

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DATE OF JUDGMENT PRONOUNCEMENT : 11<sup>th</sup> AUGUST,  
2015

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**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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|----|------------------------------------------------------------------------------|--------|
| 1. | Whether Reporters of Local newspapers<br>may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be<br>marked to Law Reporters/Journals    | Yes/No |
| 3. | Whether Their Lordship wishes to<br>see the fair copy of the judgment?       | Yes/No |

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**CIVIL REVISION PETITION NO.1982 OF 2015**

**ORDER**

This civil revision petition under Article 227 of the Constitution arises out of the order dated 27.03.2015 passed by the learned Senior Civil Judge, Tadepalligudem, West Godavari District, in I.A.No.225 of 2015 in O.S.No.57 of 2002.

The petitioner herein is the plaintiff in O.S.No.57 of 2002. He filed the subject IA therein under Order 6 Rule 17 CPC seeking to amend the plaint schedule. By the order under revision, the trial Court dismissed the IA. Aggrieved, he is before this Court.

The suit, O.S.No.57 of 2002, was filed by the petitioner for partition of the plaint schedule property into three equal shares along with possession of one such share and also for partition of the 1/3<sup>rd</sup> share of the plaintiff's deceased father into five equal shares and for allotment of one such share. He also sought future profits from the date of the plaint till delivery of possession. By way of the subject IA, the petitioner sought to change the name of the village as regards items 1 to 7 of the plaint schedule from Unguturu to Yarramalla and as regards items 8 and 9 of the plaint schedule, he wanted to substitute Avapadu village in the place of Unguturu. He also sought to change the description of certain boundaries of items 2 and 3 of the plaint schedule.

The trial Court permitted the change of the village name from Unguturu to Yarramalla in relation to items 1 to 7 of the plaint schedule.

The order under revision is however silent as to change of the village name *vis-à-vis* items 8 and 9 of the plaint schedule. As regards the change in the description of the boundaries, the trial Court was of the opinion that such amendment would have the effect of changing the entire nature of the suit and accordingly dismissed the IA, holding that it was devoid of merit.

Heard Mr.M.P.Chandramouli, learned counsel for the petitioner-plaintiff, and Ms.Nimmagadda Revathi, learned counsel for respondents 1 and 3. Respondent No.2 is dead and the other two respondents, despite service of notice, chose not to enter their appearance before this Court either in person or through learned counsel.

In so far as the change of the village name as regards items 8 and 9 of the plaint schedule is concerned, it is a verifiable fact. Therefore, there can be no realistic objection to such amendment. The same is not even opposed before this Court As regards the change of the description of boundaries, it is noticed that in respect of item 2 of the plaint schedule, the prayer was to substitute the southern and western boundaries thereof. The eastern and northern descriptions remained the same. As regards item 3 of the plaint schedule, the amendment sought was of the northern, southern and western boundaries and the eastern one remained the same.

It is significant to note that the suit was filed for partition of the plaint schedule properties. The boundaries of the plaint schedule properties would therefore not be of the same relevance as in a suit for injunction arising between neighbours, where determination of boundaries between the parties may play a crucial role. The petitioner-plaintiff would necessarily have to assert and establish before the trial Court the identity and nature of the plaint schedule properties in terms of his prayer for partition thereof. The amendments sought were therefore of no real significance and did not have the impact of changing the very nature of the suit as opined by the trial Court. The trial Court ought to have permitted the amendments sought subject to the petitioner-plaintiff

establishing his right to seek partition of the suit properties, even after such amendment as would be the case in the usual course.

The order under revision is accordingly set aside and the civil revision petition is allowed. The trial Court shall permit the petitioner-plaintiff to carry out the amendments as sought in I.A.No.225 of 2015 in O.S.No.57 of 2002 and thereafter proceed with the suit in accordance with due procedure. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

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**SANJAY KUMAR, J**

**11<sup>th</sup> AUGUST, 2015**

**PGS**