

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.1249 of 2015

ORDER:

The petitioner is the plaintiff in O.S. No.166/2011 on the file of the Court of the learned Principal Junior Civil Judge, Proddatur, YSR Kadapa District. The suit was filed for permanent injunction against the respondents in respect of Ac.2.85 cents of land in Survey No.490 situated at Chinnasetty Pale Village fields of Rajupalem Mandal, YSR Kadapa District. A written statement was filed by the defendants. After four years of the filing of written statement, an application was filed by the petitioner herein seeking amendment of the plaint for specific performance of an agreement of sale in respect of Ac.1.21 cents of land in the same Survey number. A counter was filed stating that the proposed amendment is barred by limitation and the plaintiff is trying to introduce new cause of action and change the very nature of suit. The application of petitioner in I.A.No.14/2015 was dismissed by order, dated 18.02.2015, by elaborately considering the rival contentions and by considering the decision relied on by the petitioner therein in **Razia Sirajuddin v. Eskary Builders**. The lower Court also considered *prima facie* the alleged agreement dated 06.12.2002 and came to the conclusion that nothing needs to be performed in pursuance of the same. The said application was filed at the stage of marking of documents and cross-examination of PW1.

In the above circumstances, the impugned order passed by the trial Court is valid and does not call for any interference in the present Civil Revision Petition.

Accordingly, this Civil Revision Petition is dismissed, however, this will not disentitle the plaintiff from withdrawing his earlier suit and filing a suit for specific performance in accordance with law, if he is so advised.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

26.11.2015

MVA