

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.659 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. Petitioner herein is the plaintiff and respondents herein are the defendants in O.S.No.310 of 2008 pending the file of the Court of the Principal Junior Civil Judge, Khammam (for short, trial Court). The petitioner filed the above suit seeking injunction against the respondents in respect of land of an extent of Ac.0-38 guntas in survey No.301 of Khanapuram Haveli, Khammam Urban Mandal, Khammam District. The evidence on behalf of the petitioner and respondents was completed. At that stage, the petitioner filed I.A.No.975 of 2014 seeking amendment of plaint on the ground that earlier he filed I.A.No.506 of 2014 for appointment of an Advocate Commissioner and the same was dismissed on 08.09.2014 with an observation that the respondents had proved their possession over the scheduled property. The trial Court observed that the application for appointment of Advocate Commissioner was for entire extent of Ac.7-28 guntas, but it was not confined to Ac.0-38 guntas, and in those circumstances only, the said application was dismissed. The trial Court dismissed I.A.No.975 of 2014, which was filed by the petitioner seeking amendment of the plaint, by its order dated 11.12.2014 on the ground that merely on the basis of dismissal of an application for appointment of Advocate Commissioner, the petitioner cannot seek amendment of the plaint. Challenging the same, the present Civil Revision Petition is filed.

3. I have carefully perused the impugned order passed by the trial Court and it is clear that the petitioner filed the application when the suit was coming up for arguments. The application for amendment of plaint cannot be filed at that belated stage without showing any sufficient cause. In the circumstances, the

impugned order of the trial Court is perfectly valid and it does not call for any interference.

4. Hence, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 16.11.2015

TJMR