

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P. Nos.2360, 2361, 2618 and 3599 of 2015

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COMMON ORDER:

These four Civil Revision Petitions are being disposed of by a common order.

The petitioners in the four Civil Revision Petitions are different whereas the respondents are same. The suits were originally filed in February 2007 seeking a relief of permanent injunction in respect of the respective suit schedule properties. The defendants have filed written statements in June/July 2007. After going through the written statements, the plaintiffs thought it fit to substitute the relief of permanent injunction by relief of declaration of title and for permanent injunction. Accordingly, they filed I.A.Nos.657, 658, 655 and 656 of 2009 in O.S. Nos.294, 296, 295 and 297 of 2007 respectively for amendment of the plaints. The said applications were opposed by filing detailed counters by the respondents herein. When the applications of the petitioners herein were dismissed by separate orders on 09.02.2015, the present Civil Revision Petitions were filed.

The main ground on which the amendment sought was that the defendants claimed title in respect of the property and thus, the title of the plaintiffs was under cloud. In the counter affidavit filed by the defendants as respondents in the Civil Revision Petitions, they set out the facts relating to the claim of title made by them. In such circumstances, it is natural for the plaintiffs to seek the relief of declaration of title instead of a suit for permanent injunction as held by the Supreme Court in **Anathula Sudhakar v. P. Buchi Reddy (Dead) by LRs** and it cannot be said that the applications filed by plaintiffs cannot be permitted. But, the trial Court dismissed the applications on the ground that the nature of suit is completely changed and the plaintiffs have been prolonging the matter. The trial has not yet been commenced and only issues were framed.

In view of the nature of relief sought in the original plaints and the amendment now sought, it cannot be said that the plaintiffs are not entitled for the relief

claimed in view of the law laid down by the Supreme Court in the case of **Anathula Sudhakar** (supra). In the circumstances, the impugned orders dated 09.02.2015 in I.A.Nos.655, 656, 657 and 658 of 2009 are set aside and the said applications filed by the plaintiffs/petitioners herein are allowed.

Accordingly, these Civil Revision Petitions are allowed. There shall be no order as to costs. It is needless to observe that the defendants are entitled to file additional written statement, which they can do within a period of three (3) months from the date of receipt of a copy of this order. In view of the suits being of the year 2007, the trial Court shall endeavor to dispose of the suits as expeditiously as possible, but not later than eighteen (18) months from the date of receipt of a copy of this order.

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

A.RAMALINGESWARA RAO, J

26.11.2015

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Note: Issue C.C. in one week

(B/O)

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