

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION No. 1547 of 2016

DATED 12TH JUNE, 2015

BETWEEN

Darsi Harikrishna and anr

...Petitioners

And

Syed Abdul Raheem

...Respondent

HONOURABLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.1547 of 2015

ORDER:

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Defendants in O.S.No.936 of 2010 in the Court of learned III Additional Junior Civil Judge, Nellore, are the revision petitioners and the revision is directed against the order dated 19.01.2015 in I.A.No.526 of 2014. Through the order impugned in the revision, the learned trial Judge allowed I.A.No.526 of 2014 filed by the respondent herein for amendment of the plaint in O.S.No.936 of

2010. Hence the revision.

Learned Counsel appearing for the petitioner, Sri P.Prabhakar Rao has drawn my attention to the proposed amendments viz paras 15, 17 and 18 of the plaint and also findings recorded by the trial Judge while allowing the application. The contentions are that, firstly, the averments introduced through the amendments are matters of evidence and there is no requirement to refer documents by way of pleadings. Secondly, the relief of mandatory injunction is prayed after lapse of 3 ½ years from the date of filing the suit and valuable rights of defendants are affected,

I have carefully considered the objections raised by the learned Counsel. I am not persuaded by these submissions to express any view at this stage of matter. The petitioners herein are entitled for an opportunity to file additional written statement on the proposed amendments of the plaint and all the pleas available to the defendants can be taken, In such an event, the trial Court will necessarily frame additional issues and consider the matter on merits. It is needless to observe that merely because the prayer for inclusion of mandatory injunction is allowed through amendment, it does not mean that the learned trial judge accepted the very prayer against the revision petitioners/defendants. The entitlement to such prayer/relief will certainly be considered by the trial Court while taking up all the issues in O.S.No. 936 of 2010.

With the above observations, the Civil Revision Petition is dismissed. Miscellaneous petitions pending consideration if any in the revision petition shall stand closed in consequence. No order as to costs.

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JUSTICE S.V.BHATT

Dated 12TH JUNE, 2015.

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