

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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CRP Nos. 1894 and 2094 of 2014

Date of Judgment: 1.4.2015

Between:

Nidamanuri Sumathi

...Petitioner

And

The Additional Assistant Engineer and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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CRP Nos. 1894 and 2094 of 2014

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COMMON ORDER:

The petitioner herein is the plaintiff in O.S.No. 778 of 2001 on the file of III-Addl. Junior Civil Judge, Ongole, Prakasam district. The suit appears to have been posted for judgment. At this stage the plaintiff filed I.A.No. 205 of 2014 seeking to reopen the suit and another I.A.No. 207 of 2014 seeking to amend the plaint for adding an alternative relief in the plaint. Both the said applications were considered and dismissed by the Court below under the orders impugned in both these revision petitions primarily on the ground that the relief sought to be added by way of amendment is highly belated, as the suit is of the year 2001 and reserved for judgment.

I have heard learned counsel for both sides. A look at para-6 of the plaint shows that the plaintiff sought various reliefs including the relief as amended by I.A.No. 1103 of 2003, dated 1.3.2004 and particularly the relief under para-6 (b) substantially covers the relief now sought to be added by the plaintiff. However, since the suit is of 2001 and reserved for judgment, the applications were rightly dismissed by the Court below as belated. It is also to be noted that when the Court is seized of the suit, it can grant reliefs as the case deserves in terms of Order 7, Rule 7 of Code of Civil Procedure and since the petitioner/plaintiff has already sought a comprehensive reliefs in the suit itself, adding further relief is really not warranted and it will only cause delay in disposing of the suit.

Hence both the revision petitions are dismissed along with miscellaneous applications, if any. The trial Court shall endeavour to dispose of the suit expeditiously. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 1.4.2015

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