

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1785 of 2010

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 15.02.2010 passed by the Principal Junior Civil Judge, Gudivada, in I.A.No.789 of 2008 in O.S.No.201 of 2005.

Initially, the suit was filed for injunction simplicitor by the respondent/plaintiff. At the stage of evidence, the respondent filed the aforesaid I.A under Order VI Rule 17 C.P.C to amend the plaint, for recovery of possession. The trial Court through the impugned order allowed the said I.A. Aggrieved by the same, the petitioner/defendant filed this Civil Revision Petition.

Learned counsel for the petitioner submitted that in view of allowing the amendment petition, the pecuniary jurisdiction is increased and the learned Principal Junior Civil Judge, Gudivada, will not have jurisdiction to try the suit.

On the other hand, learned counsel for the respondent submits that if the pecuniary jurisdiction is increased by virtue of amendment, it is for the Court below to return the papers, but the same is not a ground to invalidate the impugned order.

Initially, the suit was filed for injunction simplicitor. Pleading that she was dispossessed from the suit schedule property pending disposal of the suit, the

respondent filed the aforesaid I.A seeking amendment of the plaint for recovery of possession. The said I.A was allowed.

In view of the judgment of this Court in ***Korada Srinivasa Rao v. Gurupuru Gopamma***^[1], it is for the competent court to examine the pecuniary jurisdiction after carrying out the amendment. But, at the stage of considering the application filed under Order VI Rule 17 C.P.C, the Court below cannot reject the same only on the ground that the pecuniary jurisdiction of the Court will be ousted.

In that view of the matter, I do not find any merit in the Civil Revision Petition and the same is accordingly dismissed. However, it is open for the trial Court to look into the aspect of pecuniary jurisdiction and take steps in accordance with law. There shall be no order as to costs.

Consequently, pending miscellaneous applications, if any, shall also stand dismissed.

R.SUBHASH REDDY, J

Date: 06.03.2015

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