

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.5106 OF 2015

DATED:04-12-2015

Between:

Mukkamala Somasekara Rao ... Petitioner

And

Vangavolu Maruthi Sriganesh
and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Srinivasa Reddy

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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Feeling aggrieved by dismissal of I.A. No.2123 of 2012 in O.S. No.255 of 2012 on the file of the learned Principal Senior Civil Judge, Guntur, the plaintiff filed this civil revision petition.

The petitioner has filed the above mentioned I.A. for amendment of the plaint schedule concerning the extent of the property. While in the original schedule the petitioner mentioned 340 Sq. yards, he has proposed to amend the schedule by substituting an extent of 373 Sq. yards, in the place of 340 Sq. yards.

As rightly pointed out by the lower Court, the boundaries will prevail over the extent. The petitioner is not seeking amendment of boundaries. That being the case, even if on a proper measurement the actual extent is found as 373 Sq. yards, the petitioner is entitled to recovery of such extent in the event of his success in the suit. Therefore, I do not find any reason for the petitioner to seek amendment of the extent.

Subject to the above observations, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision, petition, C.R.P.M.P. No.6715 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

04-12-2015

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