

HON'BLE SRI JUSTICE R.KANTHA RAO

Civil Revision Petition No.2651 of 2015

Order:

Heard Sri G.V.V.S.R. Subrahmanyam, learned counsel appearing for the petitioner and Sri Srinivasa Rao Pappu, learned counsel appearing for the respondents.

2. This civil revision petition is filed against the order dated 18-6-2015 in I.A.No.305 of 2015 in O.S.No.29 of 2012 passed by the learned Principal Junior Civil Judge, Amalapuram, East Godavari district.

3. The petitioner is the plaintiff in the suit. She filed the suit for declaration of title and injunction.

The respondents-defendants resisted the suit on the ground that they became entitled to the property in execution proceedings relating to a decree for suit for specific performance. The parties went on trial, arguments were heard and the matter was reserved for judgment on 22-4-2015. At that stage, on 04-5-2015, the petitioner filed a petition under Order VI,

Rule 17 CPC seeking amendment to the prayer portion as confirmation of the possession of the property or declaration of her title. The learned trial Court dismissed the petition mainly on the ground that the amendment application was filed when the matter was reserved for judgment and therefore, the said petition is not maintainable in accordance with the provisions of Order VI, Rule 17 CPC.

4. While disposing of this civil revision petition, I am not inclined to go into the merits of the contentions of the parties but of the considered opinion that the amendment was proposed at a

belated stage and was rightly dismissed by the learned trial Court. I absolutely see no merit in the amendment petition filed by the revision petitioner. The civil revision petition is, therefore, dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

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R.KANTHA RAO, J.

09<sup>th</sup> October, 2015.

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