

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

CIVIL REVISION PETITION No.1090 of 2015

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27.03.2015

Between:

Ponnala Bal Reddy @ Balaiah

...Petitioner

And

K.Renu Kumar and another

...Respondents

Counsel for the petitioner: Sri Gaddam Srinivas

Counsel for respondents: --

The Court made the following:

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ORDER:

This civil revision petition arises out of the order, dated 27.01.2015, in I.A.No.1325 of 2014 in O.S.No.270 of 2012 on the file of learned Additional Junior Civil Judge, Malkajgiri, Ranga Reddy District.

I have heard Sri G.Srinivas, learned counsel for the petitioner and perused the record.

The petitioner filed the abovementioned suit for perpetual injunction against the respondents. After commencement of trial and P.Ws.1 and 2 were cross-examined, the petitioner filed I.A.No.1325 of 2014 in O.S.No.270 of 2012 under Order VI Rule 17 C.P.C. for amendment of the suit schedule property. The lower Court, by the

order under revision, dismissed the application on the ground that as required under Order VI Rule 17 C.P.C., the petitioner has not satisfied the Court that in spite of due diligence, he could not file the application for amendment before the commencement of trial.

It is not in dispute that in the written statement itself, the respondents have disputed the boundaries contained in the plaint schedule. It is also not in dispute that P.Ws.1 and 2 were cross-examined on 10.09.2014 and 29.10.2014 respectively. As observed by the lower Court, the petitioner has kept quiet till 02.12.2014, when the suit came up for cross-examination of P.W.3 and filed the application for amendment of the suit schedule property. In the above facts and circumstances of the case, the lower Court is justified in holding that the petitioner has failed to comply with the requirements of Order VI Rule 17 C.P.C. as he has not proved that despite his due diligence, he could not file the application for amendment before the commencement of trial.

For the aforementioned reasons, I do not find any jurisdictional error in the order of the lower Court in dismissing the application filed by the petitioner for amendment.

The Civil Revision Petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.1493 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

(C.V.NAGARJUNA REDDY, J)

27th March, 2015

GHN