

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.2128 of 2015

ORDER :

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This revision is filed by the Petitioner/respondent/defendant aggrieved by the order dated 13.03.2014 passed in I.A. No.143 of 2014 in O.S. No.42 of 2014 on the file of Principal Junior Civil Judge, Kadapa. The application filed by the respondent herein for amendment of the mis-description of the numericals given for the sub-divisional survey number as 1044 1 2 4 (without even comma) instead of mentioning as 1044 1 to 4 similarly for 1045 1 2 4 as 1045 1 to 4 and the same was rectified by the trial Court since it is basically a typographical mistake.

Now, it is the contention of the revision petitioner that the plaintiff was not at all concerned with of the survey number and sub-division Nos.1044 and 1045 but for if at all with survey number 1043 and its sub-divisions and the trial Court committed error in allowing the application.

From such contest even the plaintiff's entitlement to any relief in relation to No.1044 1 2 4 and 1044 1-to-4 has to be established by plaintiff. If the defendant besides disputing plaintiffs entitlement wants to claim positively, it is for him also to prove his entitlement to S.Nos.1044 and 1045 by showing disentitlement of plaintiff. Said contest has nothing to do with allowing of the amendment in correcting the typographical mistake. Thereby without prejudice to that contest, the petition is disposed of for no grounds to admit the revision.

In the result, subject to the observations supra, the revision is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed.

Dr. B. SIVA SANKARA RAO, J

15.06.2015

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