

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

Civil Revision Petition No.1515 of 2015

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Dated 17th April, 2015

Between:

Gorenkala Pentaiah and another

...Petitioners

And

Talari Shankuntala and others

...Respondents

Counsel for the petitioners: Sri Jayanti S.C.Sekhar

Counsel for the respondents: ----

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 28.01.2015, in I.A.No.1049 of 2014 in O.S.No.27 of 2010, on the file of the learned Principal Junior Civil Judge, Medchal, Ranga Reddy District.

I have heard Sri Jayanti S.C.Sekhar, learned counsel for the petitioners, and perused the record.

The petitioners have filed the above-mentioned suit for perpetual injunction

restraining the respondents from interfering with their possession of the property admeasuring in all Acs.2.09 guntas comprised in Survey No.173/A and 174 of Doolapally Village, Quthbullapur Mandal, Ranga Reddy District. After the trial was commenced and petitioner No.1 was cross examined, the petitioners have filed I.A.No.1049 of 2014 under Order VI Rule 17 CPC for permission to amend the pleadings by incorporating the plea that petitioner No.2 has alienated an extent of Ac.0.24½ guntas out of Ac.2.09 guntas gifted to her in favour of two persons on 18.05.2005 through registered sale deed. This application was dismissed by the lower Court on the ground that sufficient explanation was not offered by the petitioners for filing the application for amendment after commencement of the trial.

At the hearing, this Court has asked the learned counsel for the petitioners as to the purpose which his clients are seeking to achieve by incorporating the pleading relating to the alienation of a part of the suit schedule property to third parties. The learned counsel is unable to give any satisfactory reply.

As noted above, the petitioners have filed the suit for perpetual injunction in respect of Acs.2.09 guntas. If the fact proposed to be pleaded, namely, that out of the said extent of land, an extent of Acs.0.24 ½ guntas was sold by petitioner No.2, is incorporated, the petitioners on their own showing will not be pressing the suit for injunction in respect of the said extent of the property. Therefore, instead of gaining any advantage, incorporation of the proposed pleading would only disable the petitioners to claim injunction for the entire suit property.

In this view of the matter, I do not find any rationale in the petitioners seeking to plead the said fact by way of amendment to the plaint. Though the lower Court has dismissed the application on the ground of being belated, in my opinion, the above-mentioned ground is substantial enough to dismiss the application filed by the petitioners.

Hence, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, CRP.MP.No.2043 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17th April, 2015

VGB