

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY THE TWENTYSECOND DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 5126 OF 2015

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Between:

Akula Subba Rao & Ors. ... Petitioners

Vs.

Akula Ranganadham & Ors. ... Respondents

Counsel for the Petitioner: Sri O. Manohar Reddy

Counsel for the Respondents: Sri S.Lakshminarayana Reddy

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 5126 OF 2015

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ORDER:

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Heard learned counsel Sri O. Manohar Reddy for petitioners and learned Counsel Sri S. Lakshminarayana Reddy for respondents.

2. Defendants in OS.No. 216 of 2014 are the Revision Petitioners. The Revision is directed against the order dated 09/09/2015 in I.A.No. 378 of 2014. I.A.No. 378 of 2014 was filed under Order-6, Rule-17 of CPC by respondents 1 to 3 in the Revision Petition for amendment of plaint in OS.No. 216 of 2014. The proposed amendments are set out in the I.A.No. 378 of 2014. The prayer for amendment was opposed in all fours. The learned trial Judge has disposed of the application, allowing the prayer for amendments. The reasons substantially weighed with the learned trial Judge are as follows:

“The petitioners have averred in the plaint at Para No.6 that they are reserving their right to add some more properties after obtaining their details and gold ornaments and other movable properties.

The petitioners have not suppressed any fact before the court and after filing the written statement they filed the present application for amendment of plaint and also for adding item No.4 of the plaint schedule property and apart from that seeking relief of cancellation of registered relinquishment deed dated 25/7/1964. Main suit is posted to issues. No prejudice will be caused to the respondents if the proposed amendment is carried out in the plaint on the other hand the real facts will be brought on record for proper disposal of the lis. The reasons mentioned by the petitioners are bonafides and deserves to be considered, as the suit is for partition of the plaint schedule properties between the joint family members.”

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3. The learned counsel appearing for the parties have argued at length against the proposed amendment and in support of the amendment.

4. After perusing the reasons recorded by the learned trial Judge, prima facie, I am of

the view that having regard to the circumstances set out either by the Revision Petitioners or by the Respondents 1 to 3, the trial court ought not to have allowed the application on the ground that no prejudice will be caused to the respondents if the proposed amendments are carried out in the plaint and on the other hand, the real facts will be brought on record for proper disposal of the lis. Prima facie, I am of the view that the reasons stated in the order impugned in the Revision by itself are not sufficient to permit the proposed amendments. Sufficient reasons ought to have been stated or the order must speak for itself with reasons and conclusions. Though an effort is made by both the counsel appearing for the parties to persuade this court to independently consider the matter and decide. I am afraid such procedure ought not to be followed in exercise of revisional jurisdiction. I am of the view that as the reasons prima facie are not satisfactory or inordinate. I am inclined to set aside the order under Revision and remand the matter to the trial court for fresh disposal in accordance with law.

5. It is made clear that while setting aside the order impugned in the Revision, it shall not be construed by either of the parties that this court has expressed any view on the merits of the rival contentions. The trial court is directed to dispose of the application within a period of six weeks from the date of receipt of a copy of this order. No costs.

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6. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

22/01/2016

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HONOURABLE SRI JUSTICE S.V. BHATT

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Court Master: I s L