

**HON'BLE SRI JUSTICE S.V.BHATT**

**C.R.P.No.2585 OF 2016**

**ORDER:**

-

The plaintiff in O.S.No.221 of 2010 is the revision petitioner herein. The revision petitioner filed I.A.No.1174 of 2015 under Order VI Rule 17 CPC for effecting the following amendments in the plaint:

Consequential Amendment Memo

“In the plaint after the para-7 add para -7a)) The plaintiff tried to reconstruct the BCD wall noted in the second rough sketch appended hereto and reopen the DF wall. On 3.7.2015 the defendants obstructed the plaintiff. Hence the plaintiff has the cause of action which arose on that day for seeking the relief of prohibitory injunction as detailed in the prayer portion.

Add para - 8a) after para-8). \*The relief of prohibitory injunction not to obstruct the reconstruction of BCD wall and repair DF wall is valued at Rs.5000/- and the plaintiff has paid a court fee of Rs.411/- under Section 26 (c) of APCF Act.

In para-9 add sub para 9(ii) –

Grant a permanent injunction restraining the defendants their servants etc., from obstructing the plaintiff in her constructing the CD wall and repairing the DX wall noted in the second rough sketch appended to the plaint.

III) to receive the second rough sketch as a part of amendment.”

The respondent opposed the prayer for amendment.

The trial Judge through the order impugned in the revision dismissed the application.

I have heard learned counsel appearing for the parties at great length. The counsel appearing for the parties, having regard to a few findings recorded by the trial Court, consented to setting aside the order impugned in the revision and remanding the matter to the trial

Court for consideration afresh. The statement of learned counsel is placed on record.

Without expressing any view on the merits, the revision is allowed. The order in I.A.No.1174 of 2015 is set aside and the matter is remanded to the trial Court for fresh disposal in accordance with law. The trial Court is directed to dispose of the IA within a period of eight weeks from the date of receipt of a copy of this order. As the suit is one for perpetual injunction, the trial Court is directed to dispose of the suit within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

Date: 01.07.2016  
*Lrkm*

---

**S.V.BHATT,J**