

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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C.R.P.NO.1079 OF 2016

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ORDER
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Heard the counsel for the petitioner at the stage of admission.

2. Aggrieved by the order and decree dated 21.1.2016 passed by the court of Principal Junior Civil Judge at Avanigadda in I.A.No.863/2014 in O.S.No.268/2004 in dismissing the petition filed by the petitioner/plaintiff under Order 6, Rule 17 of CPC., the present revision has been filed.

3. From the material on record, it could be seen that the plaintiff filed the suit in the year 2004 seeking for declaration of title and for consequential injunction. Now by way of impugned amendment, the case of the petitioner is that now she came to know that due to oversight, the source of her title and possession over the suit schedule property was not mentioned in the averments of the plaint and that neither herself, nor her mother-in-law, from whom she got the property under a will, never mortgaged the property. With these averments, the petitioner sought for amendment of the plaint.

4. The suit is of the year 2004, the trial court based on material found that after a period of eleven years and when the suit is coming for cross-examination of P.W.1, the present amendment petition is sought to be filed. The trial court also found that the present amendment petition is filed by the petitioner with a mala fide intention to drag the matter without any bona fide intention and that if the amendment petition is allowed, the nature of the entire case will be changed and prejudice would be caused to the respondents, which cannot be compensated in terms of money. In view of the these conclusions of the trial court based on material on record, I do not find any reason to interfere with the impugned order and the revision is devoid of any merit and the same is dismissed. No costs.

5. Miscellaneous petitions pending if any, shall stand closed.

AVS

16—03—2016

