

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.3929 of 2016

ORDER:

1. The petitioners are defendants in O.S.No.98 of 2012 on the file of the Principal Junior Civil Judge, Chirala. The said suit was filed for partition and separate possession of the plaint scheduled property into eight equal shares and allotment of four such shares to the plaintiffs. After filing the writ statement, the plaintiffs filed I.A.No.835 of 2015 seeking amendment of the plaint by changing the averment that one Jajjari Suvarthamma was the owner of the property to that of the plaintiffs and defendants being the owners after demise of the said Suvarthamma as well as her husband. They also wanted to impeach the gift deed executed by the said Suvarthamma on 27.12.2008 in favour of defendants 1 to 4. The said petition was allowed by the trial Court holding that there is no dispute regarding the existing relationship in between the parties and the nature of the property can be examined on the basis of the facts in the case. The trial Court also observed that no prejudice is caused to the defendants by allowing such amendment before commencement of the trial. This Court is in agreement with the observations made by the trial Court. In the circumstances, this Court sees no ground to interfere with the order of the trial Court in I.A.No.835 of 2015 in O.S.No.98 of 2012 dated 29.06.2016.

2. The Civil Revision Petition is accordingly dismissed. However, this order will not prevent the defendants from filing additional written statement if they so choose. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

23-09-2016
Gsn

