

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4471 OF 2011

ORDER:

Heard both sides and perused the material on record.

2) This revision is filed under Article 227 of Constitution of India by the plaintiffs in O.S. No.184 of 2005, impugning the order passed on 21.07.2011 in I.A. No.860 of 2011 in O.S. No.184 of 2005 by the I Additional District Judge, Ranga Reddy District at L.B Nagar, which is filed by petitioners herein against two defendants for amendment of the pleadings in the plaint by incorporating the words “plaintiffs are willing to pay the remaining sale consideration of Rs.11,75,000/- to the respondents and it is just and necessary to execute the sale deed to an extent of Ac.1.28 gts which is available for alienation”. The Trial Court under the impugned, order held that the trial already commenced and there is no diligence in allowing the same and dismissed the same.

3) It is the submission by the learned counsel for revision petitioners in the grounds of revision impugning the order of the lower Court that the lower Court should have considered the subsequent events including criminal case filed against the agreement holder and the executant so far as the land of Ac.3.00 gts in S.No.197 is a kunta (Tank) and demarcated the same as FTL, which is out of the total extent covered by the agreement in seeking amendment confining to Ac.2.00 gts and to that extent their pleading of readiness and willingness may be confined.

4) In fact a subsequent finding even to plead that can be adduced in evidence and for the trial Court to consider as part of the

material on record as per the settled law.

5) Having regard to the above and without prejudice to the said contest by making clear of none of the observations in dismissal of the amendment petition will influence the trial Court in ultimate decision of the suit, the revision is disposed of.

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

Dr. B. SIVA SANKARA RAO, J

Dt.01.02.2016
knI

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

-
-
-
-
-
-
-
-
-
-
-

CIVIL REVISION PETITION No.4471 OF 2011

-

Date:01.02.2016

knl