

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
CIVIL REVISION PETITION No.802 of 2011

ORDER:

The petitioners herein are the defendants in O.S.No.248/2004 on the file of the learned Junior Civil Judge, Godavarikhani. The respondent herein filed the said suit seeking permanent injunction in respect of 208.33 square yards of land in Survey No.686/A situated at Jangaon Village, Shivajinagar locality within the limits of Ramagundam Municipality with specific boundaries. The defendants filed a written statement and also a counter-claim. At the stage of cross-examination of the defendants, the defendants filed I.A. No.953/2007 seeking amendment of their written statement in page Nos.4 and 6 of the counter-claim. The said I.A. was dismissed by order dated 30.12.2010. Challenging the same, the present Civil Revision Petition was filed.

The entire averments in the written statement show that the plaintiff claims permanent injunction in respect of land in Survey No.686/A, whereas the defendants claim land in Survey No.476 of Jangaon Village. The present amendment relates to the names of vendors in page No.4 of the counter-claim and some typographical mistake in page No.6 of the counter-claim. The evidence of the plaintiff was already completed and the cross-examination of one of the defendants was completed. The proposed amendments are in the nature of clarification of the earlier written statement. It is well settled in law that the admissions in the written statement cannot be withdrawn, but the defendants are entitled to clarify the averments made in the earlier written statement.

In the circumstances, I.A. No.953/2007 is allowed only to the extent of clarifying the statements made in the earlier written statement in order to enable the defendants to advance their

arguments on the basis of the existing evidence without there being need for framing fresh issues on the basis of the amended written statement.

Accordingly, this Civil Revision Petition is allowed to the extent indicated above. No order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

18.01.2016

MVA