

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.2165 OF 2016

ORDER

Heard the counsel for the petitioners.

2. Aggrieved by the order and decree dated 22.3.2016 passed by the court of XXIV Additional Chief Judge, City Civil Court, Hyderabad, the plaintiffs filed the present revision.

3. The plaintiffs filed the suit in O.S.No.503/2015 on the file of XXIV Additional Chief Judge, City Civil Court, Hyderabad, for declaring them as legal representatives of the deceased late Yeluri Simanthini and Yeluri Sreeramadas and the said suit was decreed on 30.10.2015. Alleging that the suit schedule property was wrongly mentioned as Flat No.C-2, instead of Flat No.105-C in the schedule suit premises, the plaintiffs sought for amendment to correct the same by filing present amendment petition under Order 6, Rule 17 of CPC. By the impugned order, the trial court dismissed the same.

4. It is to be noticed that there is no other side in the present proceedings and the question of affecting the rights already accrued to the defendants does not arise and therefore, the trial court is not justified in dismissing the I.A. on the said ground. Hence, the impugned order cannot be sustained and the same is liable to be set aside and accordingly set aside and the amendment petition in I.A.No.1359/2015 in O.S.No.503/2015 is allowed.

5. The revision is accordingly allowed. No costs.

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

AVS

28—04—2016

