

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.2890 of 2016

Dated 24th June, 2016

Between:

Kosireddi Paradesinaidu

...Petitioner

And

Kosireddi Krishnamurthy and others

...Respondents

Counsel for the petitioner: Sri N.Ashwani Kumar

Counsel for the respondents: ---

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 28.04.2016, in I.A.No.202 of 2016 in O.S.No.292 of 2008, on the file of the learned Principal Junior Civil Judge at Chodavaram.

The petitioner filed the above-mentioned suit for partition of the plaint suit schedule property. After completion of the trial and at the stage of arguments, he has filed I.A.No.202 of 2016 under Order VI Rule 17 CPC for permitting him to amend his pleadings by incorporating the sentence – “the plaint schedule property is the ancestral property of plaintiff and defendants 1 & 2”. This application was resisted by the respondents. By the order under revision, the lower Court has dismissed the said application.

A perusal of the pleadings shows that the issue whether the

property is ancestral or self-acquired does not appear to have arisen in the suit. Neither defendant No.1 nor defendant No.2 has raised any defence to the effect that the property is not ancestral property. On the contrary, the respondents/defendants appeared to have taken the plea that already partition took place and that the petitioner/plaintiff as well as respondent No.2/defendant No.2 were given in adoption while respondent No.1/defendant No.1 continued with their biological father.

Therefore, as rightly observed by the lower Court, the petitioner has not explained as to what purpose the proposed amendment is going to serve. Moreover, for any partition suit, the description of the nature of the property being fundamental, it is not conceivable as to how the petitioner has omitted such a pleading in the suit. At any rate, the application is filed belatedly and if the same is allowed, it would inevitably result in re-opening and further delay being caused in disposal of the suit which is of the year 2008.

For the above-mentioned reasons, I do not find any merit in the civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the CRP, CRP.MP.No.3671 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

24th June, 2016
VGB