

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.3938 of 2016

ORDER:

Heard Sri J.Janaki Rami Reddy for petitioner and Sri S.Venkata Subba Rao for respondents.

The request of revision petitioner for amendment of plaint under Order VI Rule 17 CPC to include the prayer for declaration of title and consequential mandatory injunction is rejected by the trial court.

With the assistance of counsel appearing for both parties, I have perused the order impugned in the revision and the pleadings of parties in I.A.No.486 of 2011. The trial court while dismissing the I.A. held as follows:-

“..... Therefore, when the main relief is for permanent injunction the petitioner cannot seek for amendment of the plaint for the declaration of title and mandatory injunction as consequential relief with this petition....”

In the considered view of this Court, the principle stated by the trial court is not correct and further the trial court has not examined the prayer for amendment on the touch stone of order VI Rule 17 CPC or the applicable decisions on the point. Yet another defect in the order impugned is that the order is not of a speaking order.

On the above three grounds, the order impugned is set aside and remitted to trial court for disposal within four weeks from the date of receipt of a copy of this order.

The Civil Revision is allowed and remanded accordingly.
No order as to costs.

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

S. V. BHATT, J

Dt: 16-09-2016
Prv



