

**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CIVIL REVISION PETITION No.256 of 2017**

**ORDER :**

Heard both sides.

2. Perused the grounds urged in the revision and the impugned order of the lower court.

3. At best, a purchaser i.e., defendant No.3 for any property, which is covered by the partition suit claim of the plaintiff, from defendant Nos.1 and 2, the other sharers, is to ask for equities and cannot plead that the very suit for partition in respect of that property by the plaintiff is no way sustainable and they are not entitled to partition and such a plea could not have been allowed by the Court.

4. Having regard to the above, the allowing of the amendment by the lower Court is unsustainable and the civil revision petition is allowed. No doubt, it will not take away the any existing plea apart from any legal plea, otherwise to work out with reference to the pleadings and evidence on record for the Court to appreciate.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

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**Dr. B. SIVA SANKARA RAO, J**

28<sup>th</sup> November 2017.

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