

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.3691 OF 2017

ORDER :

Heard Mr.L.Prabhakar Reddy for Revision Petitioners. The Plaintiffs in O.S.No.263/2015 are the revision petitioners. The revision petitioners filed O.S.No.263/2015 in the Court of Principal Junior Civil Judge, Karimnagar for declaration of title and for recovery of possession from respondents herein. In Paragraph No.4 of the Plaint dated 27.07.2015, the Plaintiffs have averred on their entitlement to plaint schedule by succession as follows:

“The plaintiffs submit that father of plaintiffs 1 to 4 Juttu Gopaiah died intestate on 31.12.1997 leaving suit scheduled land for plaintiffs 1 to 4 and for the husband of plaintiff No.5 by name Juttu Raji Reddy and for Juttu Rangavva wife of deceased Juttu Gopaiah as his legal heirs. That the wife of deceased Juttu Gopaiah by name of Juttu Rangavva died in the year 2008 and the husband of plaintiff No.5 by name Juttu Raji Reddy died on 17.09.2010 which has been described the pedigree herein below.

Juttu Gopaiah
(Died intestate on 31.12.1997)

Juttu Rangavva (Died in 2008)
(Wife)

- 1) Juttu Srinivas(son) plaintiff No.1
- 2) Juttu Jalapathi(son) plaintiff No.2
- 3) Juttu Thirupathi(son)Plaintiff No.3
- 4) Beti Laxmi(daughter) Plaintiff No.4
- 5) Juttu Rajireddy(son died on 17.09.2010)
Leaving wife and 2 children namely
- 1) Bhagya Laxmi (Daughter in law) plaintiff No.5
- 2) Juttu Shekar (grand son) Plaintiff No.6
- 3) Sirisa (grand daughter plaintiff No.7.

2. The Revision Petitioners filed instant application, seeking amendment of the date of demise of Juttu Gopaiah as 18.02.1997. The respondents herein opposed the amendment and one of the objections taken in counter affidavit is that the petitioners have clearly asserted the

date of demise of Juttu Gopaiah as 31.07.1997. Now basing on a death certificate obtained by them during the pendency of the Suit, petitioners want amendment of the pleading i.e., the date of the death of the deceased from 31.12.1997 to 18.02.1997.

3. Mr Prabhakar Reddy, vehemently contends that the approach of the Trial Court is illegal, for according to him, the legality or veracity of death certificate dated 26.01.2017 is matter of trial, hence permitting the petitioners to amend the plaint does not cause prejudice or hardship to the respondents herein. As a forceful contention is put forward, the same is referred to, Prima facie, this Court is in agreement with the approach of learned trial Judge and also the reasons given for rejecting the prayer for amendment. The amendment sometimes goes to the root of the matter and can also result in change of cause of action. In the case on hand, the petitioners have in unequivocal terms stated the date of demise of Juttu Gopaiah as 18.02.1997, this Court is in agreement with the reasons recorded by the Trial Court and no ground under Article 227 of Constitution of India is made out for admitting this Civil Revision Petition. The Civil Revision Petition is dismissed.

4. The Miscellaneous Petitions, if any, shall stand closed. There shall be no orders as to costs.

S V BHATT, J

30th November, 2017.

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