

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition No.6082 of 2016

Order:

This CRP is filed by the petitioners/plaintiffs aggrieved by the order dated 06.09.2016 in I.A.No.516 of 2016 in O.S.No.64 of 2014 passed by the Principal District Judge, Kadapa whereby and whereunder the learned Judge allowed the petition filed by the defendants under Order VI Rule 17 CPC seeking amendment of their additional written statement and make a claim to allot 1/3rd share in the house bearing D.No.11/121.

2) Heard arguments of K.Laxmi Manohar, learned counsel for petitioners. There is no representation for respondents.

3) It is the case of petitioners/plaintiffs that in house bearing D.No.11/121 respondents/defendants cannot lay any claim for the reasons mentioned in the rejoinder filed by the plaintiffs and therefore, the trial Court ought not to have allowed the petition filed by the defendants to amend their additional written statement to make a claim in the house property.

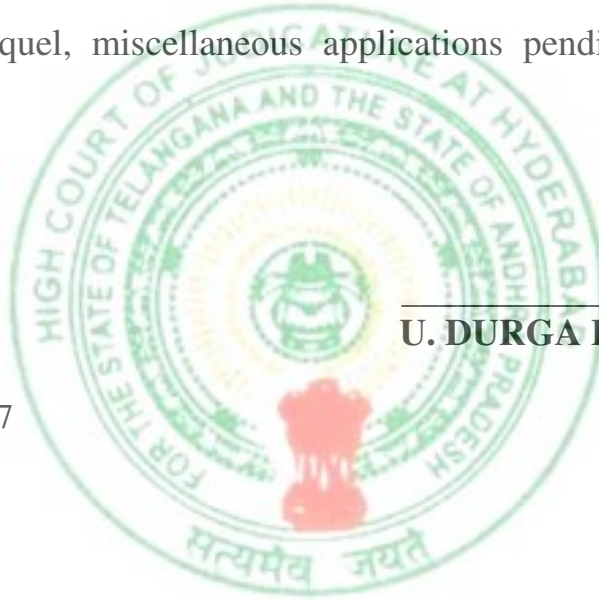
4) Having gone through the impugned order, this Court finds no much force in the submission of learned counsel for petitioners. While allowing the I.A.No.516 of 2016 the trial Court in its order made it clear that though the petition is allowed, no injustice would be caused to the plaintiffs and they have every right to adduce evidence relating to the

said house bearing D.No.11/121 situated at Saroornagar, Hyderabad. Therefore, the impugned order would show that the trial Court only allowed the respondents/defendants to take a plea to make 1/3rd claim in house bearing D.No.121, but the Court made it clear that mere allowing the parties to make a plea is not end the of the matter and the plaintiffs have every right to adduce evidence to establish their case.

5) In that view of the matter, this Court finds no illegality or irregularity in the order impugned. Accordingly, the CRP is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 22.03.2017
Murthy



U. DURGA PRASAD RAO,J.