

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

CIVIL REVISION PETITION NO.4509 OF 2016

DATED:23-02-2017

Between:

Gangumalla Thrinadha Rao ... Petitioner

And

Kolluru Gopal ... Respondent

COUNSEL FOR THE PETITIONER: Mr. G.L. Nageswara Rao

COUNSEL FOR THE RESPONDENT: Mr. G. Ramagopal



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.17.08.2016 in I.A. No.134 of 2015 in O.S. No.351 of 2013 on the file of the IV Additional Junior Civil Judge, Visakhapatnam.

The respondent filed the aforementioned suit for eviction of the petitioner and recovery of the suit schedule property. When the petitioner has disputed the identity of the property, the respondent has got an Advocate Commissioner appointed to note-down the physical features of the property. Based on the Advocate Commissioner's report, the respondent has filed the aforementioned I.A. for amending the plaint schedule. This application having been allowed by the lower Court, the defendant filed this revision petition.

After hearing Mr. G.L. Nageswara Rao, learned counsel for the petitioner, and Mr. G. Ramagopal, learned counsel for the respondent, and perusing the record, I am of the opinion that by allowing the respondent to amend the suit schedule, no prejudice will be caused to the petitioner. On the contrary, if the respondent is not allowed to amend the plaint schedule, he will be unsuccessful in the suit and he may resort to filing a fresh suit. One of the objects of Order VI Rule 17 of the Code of Civil Procedure, 1908, is to avoid multiplicity of proceedings. The petitioner, instead of being subjected to a fresh suit, has a chance to gain advantage by contesting the pending suit, albeit with changed schedule of the property. In this view of the matter, I do not find any jurisdictional error in the order of the lower Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.
No.5857 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

23-02-2017

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