

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.3035 of 2016

ORDER:

1 Challenging the order dated 07.01.2016 passed in I.A.No.1043 of 2015 in I.A.No.2742 of 2004 in O.S.No.441 of 1996 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, the petitioner filed the present Civil Revision Petition, under Article 227 of the Constitution of India.

2 Heard both sides.

3 A perusal of the record reveals that the first respondent filed the O.S.No.441 of 1996 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar for partition of the suit schedule properties. Both counsel submitted that the suit was decreed on 28.03.2003 by granting preliminary decree. Both counsel with one voice submitted that the trial Court passed final decree on 13.08.2013. The present petition is filed by the petitioner, who is defendant, for amendment of the final decree dated 13.08.2013 in I.A.No.2742 of 2004 in O.S.No.441 of 1996 in the following manner:

1. "On page No.3, in schedule of property in the first line" Insert – No.1-8-794 instead of No.1-8-974.

2. "On page No.3 in "B" Schedule of Property of defendant No.1 in the first line insert- South-Eastern instead of North-Eastern."

3. The Registration plan annexed to the final decree in the second line insert H.No.1-8-794 instead of H.No.1-8-974."

4 Both counsel with one voice submitted that they have mentioned correct door number and directions of the house in the plaint and the same was reflected in the preliminary decree. But, for one reason or the other, a mistake was crept at the time of passing of final decree.

5 The trial Court dismissed the petition on the sole ground that the plaintiffs filed similar type of petitions earlier. If there is any mistake in the final decree proceedings, the court can rectify the same in the interest of both parties. Both parties are seeking amendment of final decree.

6 Having regard to the facts and circumstances of the case, this Civil Revision Petition is allowed, setting aside the order dated 07.01.2016 passed in I.A.No.1043 of 2015 in I.A.No.2742 of 2004 in O.S.No.441 of 1996 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar. Consequently, I.A.No.1043 of 2015 stands allowed. No order as to costs. As a sequel, miscellaneous petitions, if any connected to this Civil Revision Petition, shall stand closed.

Date: 23.03.2017
Kvsn

T. SUNIL CHOWDARY, J.

