

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

CIVIL REVISION PETITION No.148 of 2017

20.01.2017

Between:

B.V.R.M.Naidu and another

..Petitioners

And

Boddapu Sanyasi Naidu and others

..Respondents

Counsel for the petitioners: Mrs.A.Chaya Devi

Counsel for the respondents: --

The Court made the following:



ORDER:

The defendants in O.S.No.170 of 2005 on the file of I Additional District Judge, Visakhapatnam, filed this civil revision petition, feeling aggrieved by the order, dated 21.10.2016, in I.A.No.42 of 2012 in the said suit.

2. The facts, in brief, are that the respondents have filed the aforementioned suit for declaration of title and recovery of possession in respect of the schedule property bearing door No.11-248/3. They have filed the aforementioned I.A. under Order VI Rule 17 C.P.C. seeking amendment of the cause title as well as the schedule property, by substituting door No.11-248/2 for door No.11-248/3. The Court below, by the order under revision, has allowed the I.A. on the reasoning that the very case of the petitioners/defendants is that the property does not bear door No.11-248/2 and therefore, by amending the schedule property by substituting door No.11-248/2 for door No. 11-248/3, no prejudice is caused to them.

3. Mrs.A.Chaya Devi, learned counsel for the petitioners/defendants, did not dispute the above position. She, however, stated that the respondents failed to satisfy the requirement of proviso to Order VI Rule 17 C.P.C., which contains the doctrine of due diligence. Though technically the learned counsel for the petitioners may be right, but since the lower Court has exercised its discretion in favour of the respondents and as the petitioners failed to show any prejudice in the event of the amendment being allowed, I am not inclined to set aside the order of the lower Court only on the aforementioned ground raised by the learned counsel for the petitioners.

4. In the above view of the matter, I do not find any merit in the Civil Revision Petition and the same is, accordingly, dismissed.

5. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.185 of 2017 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

20th January, 2017
GHN

