

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CIVIL REVISION PETITION No.4207 OF 2017**

**ORDER:**

This Civil Revision Petition is directed against the order, dated 06.07.2017, in I.A.No.398 of 2017 in O.S.No.320 of 2008 on the file of the I Additional Senior Civil Judge, Rajahmundry.

2. Petitioner herein/plaintiff filed O.S.No.320 of 2008 against the respondents herein/defendants for declaration that the seizure of the plaint schedule vehicle i.e., Scorpio bearing No.AP 5 AE 6666 by the defendants is illegal and unlawful, permanent injunction restraining the defendants from selling the plaint schedule vehicle in private auction, consequential mandatory injunction directing the defendants to deliver the plaint schedule vehicle in good and running/playable condition, damages and costs. Pending suit, the petitioner filed I.A.No.398 of 2017 in O.S.No.320 of 2008 seeking permission to amend the plaint by making certain amendments and the same was dismissed *vide* order, dated 06.07.2017. Challenging the same, the petitioner preferred this Civil Revision Petition.

3. Heard and perused the material available on record.

4. The reason for dismissal of the aforementioned interlocutory application by the trial Court is that the petitioner filed the application after framing of issues. Hence, the trial Court was not inclined to pass orders in favour of the petitioner to amend the prayer in the suit. Considering all the facts and circumstances of the case, this Court is of the view that even though the petitioner

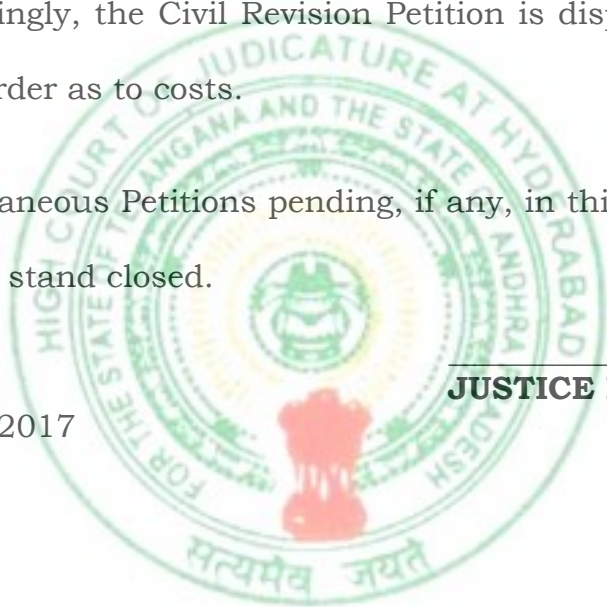
has approached the trial Court after framing of issues, as the present application seeking amendment of the prayer in the suit arises out of the same cause of action, no prejudice would be caused to the respondents if the said application is allowed. Hence, I.A.No.398 of 2017 in O.S.No.320 of 2008 on the file of the I Additional Senior Civil Judge, Rajahmundry is allowed setting aside the dismissal order, dated 06.07.2017, in I.A.No.398 of 2017 in O.S.No.320 of 2008 and the trial Court is directed to dispose of O.S.No.320 of 2008 as expeditiously as possible.

5. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

Date : 06.09.2017  
AMD

**JUSTICE RAJA ELANGO**



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**C.R.P.No.4207 OF 2017**

**Date: 06.09.2017**

AMD