

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4617 of 2012

ORDER:

Heard both sides i.e., learned counsel for the revision petitioners/defendant Nos.1 & 2 and the revision 1st respondent/plaintiff appeared in person and respondent Nos.2 & 3 are the co-defendants and there is no conflict of interest much less sailing with the plaintiff, thereby they are not necessary parties and perused the grounds urged in the revision and the impugned order of the lower Court.

The suit originally filed as O.S.No.362 of 2006 and later renumbered on transfer as O.S.No.647 of 2008 and again as O.S.No.1318 of 2009 and the prayers in the suit are for permanent prohibitory and permanent mandatory injunction respectively among other. In the plaint the schedule given is for 2 items originally for S.No.69 for plot Nos.5 & 7 of Miyapur Village and subsequently by the amendment, the plaint schedule is changed to include S.No.222 also of Madinaguda Village. That amendment petition after contest originally by cryptic order was allowed and the same when impugned in the revision CRP.No.3843 of 2011, another Bench of this Court on 28.12.2011 allowed the revision by setting aside the impugned order to give fresh disposal and the lower Court after contest by reasoned order allowed the same on 08.06.2012. It is impugning the same, the present revision is filed.

Leave about the fact that the amendment will not take away the existing right or further defence of the defendants to the

amendment. Undisputedly the amendment was carried out way back.

Having regard to the above and the suit is of 11 years old and the law is fairly settled that the purpose of amendment is to avoid multiplicity of proceedings and where it is necessary, the Court can even on its own permit the amendment with reference to the expressions of the Apex Court referred by this Court in CRP.Nos.1751, 1752 & 1753 of 2016 by order dated 17.10.2016 in **Smt. Mareddy Seetharathnam Vs. Siruvuri Venkatarama Raju and Others**, for this Court while sitting in revision on perusal, there is nothing to interfere but for to say the lower Court shall permit the defendants to file additional written statement disputing the amendment to formulate additional issues necessary in relation to the amendment under attack and dispose of the suit as early as possible.

Accordingly and in the result, the Civil Revision Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.12.2017
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