

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No. 6231 OF 2017 of 2017

Date : 17.11.2017

Between :

Smt Sailaja W/o late Madhusudhan
42 yrs R/o 13-1-57/8/2 Plot No. 218
Avanthinagar, Motinagar, Hyderabad and others

Petitioner

And

Venkateswara Rao S/o Uma Maheshwar Rao
49 yrs
MD M/s.Greatway shopping Pvt Ltd
Moosapet, Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Revision petitioners are defendants. Respondent/plaintiff filed O.S. No. 163 of 2013 pending on the file of the V Additional District Judge, Warangal. Parties are referred to as they are arrayed before the Court below. In the suit plaintiff prayed to pass decree directing the defendants to execute the sale deed in favour of plaintiff in respect of plaint schedule immovable property by receiving the sale consideration of Rs.1,00,000/- or alternatively defendants be directed to pay a sum of Rs.42,00,000/- along with interest @ 24 % per annum from the date of suit as damages to the plaintiff for non performance of the contract. Plaintiff filed I.A. No. 242 of 2015 to amend the prayer by adding clauses 'D & E' in addition to clauses 'A to C' already incorporated in the prayer. By these amendments, plaintiff seeks declaration that in the event of defendants failing to execute the sale deed in respect of the suit schedule properties, the Hon'ble Court itself may execute sale deed for and on behalf of the defendants and after executing the sale deeds if defendants failed to deliver physical vacant possession, the Hon'ble Court may be pleased to deliver physical vacant possession of the suit schedule properties by evicting the defendants.

2. On consideration of the rival submissions, the Court below allowed the said I A. Aggrieved thereby, this revision is filed.

3. Learned counsel for defendants sought to contend that suit was instituted in the year 2013 and this application was filed in the year 2015 and application ought to have been dismissed on the ground of delay in presentation of such application. The prayers now sought to be incorporated in the suit ought to have been incorporated when the suit

was instituted, therefore it is not permissible for the plaintiff to incorporate the additional prayers in the suit at this stage.

4. As seen from the order of the Court below, the Court below noticed that prayers now sought are ancillary and incidental reliefs to the relief sought in the suit and amendments proposed do not change the nature of the suit and does not take away the right of the respondents.

5. Having heard the learned counsel for revision petitioners and on perusal of the material on record, I do not see any error committed by the Court below in arriving at such conclusion in allowing the Interlocutory Application. Accordingly, revision petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 17.11.2017
TVK



P NAVEEN RAO,J

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