

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 5819 of 2017

ORDER:

The present Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 25.07.2017, passed in I.A.No.287 of 2017 in O.S.No.235 of 2011 on the file of the I Additional Junior Civil Judge, Chittoor.

The facts in issue are as under:

The petitioner/ plaintiff filed O.S.No.235 of 2011 seeking grant of permanent injunction restraining the defendants, their men and agents from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property in the year 2011. Subsequently, a written statement was also filed. Six years thereafter, the impugned application came to be filed seeking amendment of the plaint schedule on the ground that due to oversight, the extent of the schedule property was mentioned as 2.95 cents, instead of 4.95 cents. It is pleaded that the said mistake occurred accidentally and was neither willful nor wanton. A counter came to be filed disputing the averments. It was stated that only with a view to drag on the matter, the said application came to be filed. After hearing both the parties at length, the trial Court rejected the request of the petitioner/ plaintiff and the said I.A. was dismissed. Challenging the same, the present revision came to be filed.

Learned counsel for the petitioner would submit that it is only an error that occurred while disclosing the extent of the property in dispute

wherein it was shown as 2.95 cents instead of 4.95 cents. The said error was neither willful nor wanton. Hence he seeks indulgence of this Court.

As seen from the record, the suit has come up for cross-examination of PW1. A perusal of the records reveal that in the pattadar pass books and title deeds, which were filed before the trial Court, it appears that 4.95 cents was rounded up and 2.95 cents was noted. A perusal of the material further shows that the plaintiff herself has mentioned in the plaint about the extent of property as 2.95 cents.

A perusal of the documents filed by the defendants would show that they are claiming only one cent each in Survey Nos. 59/ 5A and 59/ 5B.

In view of the above and by taking into consideration the entries said to have been made in the pattadar pass books and title deeds, filed by the petitioner herself, this Court is of the opinion that the request of the petitioner cannot be accepted.

Accordingly, the revision is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

06.11.2017
vnb