

HONOURABLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.5464 OF 2016

ORDER:

Heard Mr.B.S.Reddy, counsel for petitioners and Mr.K.Rathanga Pani Reddy, counsel for respondents.

Plaintiffs in O.S.No.386 of 2011 on the file of II Additional Senior Civil Judge, Nandyal.

Revision petitioners were unsuccessful in persuading the trial court to accept their prayer for deletion of a sentence i.e., *"She i.e., 4th defendant is in possession and enjoyment of the plaint schedule property"* from the plaint.

Trial court after taking note of various stages in the suit and having regard to the prayer for deletion of a sentence recorded the following finding.

"As it appears that the petitioner while filing I.A.No.270 of 2012 the amendment was carried out. The admission made whether amounts as admission, whether can be based on the proviso envisaged under Sections 17 to 23 of Indian Evidence Act can all be decided only on the evidence let in by both the parties after full-fledged trial."

From the above, it is clear that the trial court refusing prayer for deletion has not foreclosed options available to the petitioner herein to lead evidence within the four corners of law and the evidence can be considered at final stage. Mr.B.S.Reddy has drawn the attention of this court to all the earlier orders and after going through the orders, this court is of the view that the observation with

which the prayer for deletion was refused cannot and could not be faulted. The revision is liable to be dismissed.

The Civil Revision Petition is accordingly dismissed.

The trial court is directed to complete the trial and dispose of the suit within six months from the date of receipt of copy of this order. No order as to costs.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.V.BHATT

Dated 15-3-2017.

Dvs.



HONOURABLE SRI JUSTICE S.V.BHATT



CIVIL REVISION PETITION No.5464 OF 2016

Dated 15-3-2017.

Dvs