

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.1155 of 2018

ORDER:

The present Civil Revision Petition came to be filed under Article 227 of the Constitution of India, assailing the order dated 05.02.2018, passed in I.A.No.33 of 2018 in O.S.No.60 of 2011 on the file of the IV Additional District Judge, Kakinada, wherein the application filed under Order VI Rule 10 read with Rule 28 of Civil Rules of Practice and Section 151 of CPC seeking amendments in Item No.7 of plaint schedule "A" was rejected.

2. A perusal of the averments filed in support of the petition would show that during the course of proceedings in the case, learned counsel noticed typographical mistake in the description of item-7 of Plaint A schedule. With a view to give smooth sail to the litigation, the present application came to be filed. It is stated that there is no willful conduct and latches on the part of the petitioners in making such application. He further submits that no prejudice would be caused, if the said amendment is carried out since there is no alteration to the boundaries but only amendment to the extent of land from Ac.1.00 to 0.14 cents.

3. Learned counsel for the respondents would contend that the petitioners filed the present application in order to drag on the issue. It is stated that the petitioners are none other than

paternal aunt of respondent No.10, who filed some ATC cases against the respondents with a view to grab the entire property of late Nakka Satyanarayana Murthy. It is further stated that great prejudice would be caused to the respondents if the proposed amendment is permitted and the nature of pleadings would also be deviated.

4. As seen from the record, the petitioners are not seeking any amendment of boundaries. It is urged that by mistake the extents of land and survey numbers were wrongly mentioned in the plaint in Item No.7 of plaint schedule property. According to the petitioner, instead of old Survey No.344 / 1 and R.S.No.442/ 2, what is required to be added is S.No.344/ 7 and R.S.No.441/ 10 and similarly extent of land to be reduced to Ac.0.14 cents, from Ac. 1.00 cents.

5. It is to be noted that the trial in the said case has not yet commenced and the petitioners are not seeking amendment to any boundaries. Their request is only to the extent of land and survey number. Hence, I feel no prejudice would be caused to the respondents by accepting the request of the petitioners. On the other hand, it would help in smooth sailing of the case.

6. Accordingly, this petition is allowed setting aside the order passed in I.A.No.33 of 2018 in O.S.No.60 of 2011.

7. As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

29.06.2018
vhh

