

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**C.R.P.No.1501 of 2018**

**ORDER:**

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 19.02.2018 passed in I.A.No.162 of 2018 in O.S.No.3 of 2008 on the file of the Court of Principal District Judge, at Khammam.

2. Heard the learned counsel appearing for both the parties.

3. A perusal of the record reveals that the first respondent filed I.A.No.162 of 2018 in O.S.No.3 of 2008 under Section 151 CPC to reopen the matter for the purpose of amendment of the pleadings. The petitioner filed counter inter alia contending that at the stage of arguments, the petition for amendment of pleadings is not maintainable. The trial Court after affording reasonable opportunity to both parties, allowed the petition. Hence, the revision.

4. The point that arises for consideration is:

Whether there is any illegality, irregularity or impropriety in the impugned order?

**P O I N T:**

5. A perusal of the record reveals that the first respondent filed O.S.No.3 of 2008 on the file of the Principal District Court, Khammam, against the petitioner and respondents 2 to 4 for specific performance of agreement of sale. After completion of evidence of both parties, the trial Court posted the matter for

arguments. At that stage, the first respondent filed I.A.No.162 of 2018 under Section 151 CPC to reopen the matter for the purpose of amendment of pleadings. The trial Court allowed the petition.

6. Any order passed under Section 151 CPC is only a discretionary one. It is needless to say that this Court shall not likely interfere with the discretionary orders passed by the courts below unless there is a grave error. If the petition is dismissed, it may not be possible for the first respondent-plaintiff to ventilate his legitimate and legal grievances. Even if the petition is allowed, the same would not cause any prejudice to the rights of the petitioner, who is first defendant in the main suit. The trial Court after taking into consideration the scope of relief sought in I.A.No.161 of 2018, allowed the petition. The trial Court assigned reasons much less cogent and valid reasons to its findings. I am fully endorsing with the findings recorded by the trial Court. As such, there is no illegality, irregularity or impropriety in the impugned order, which warrants interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India. Hence, there are no merits in this revision petition and the same is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

**T.SUNIL CHOWDARY, J**

**Dt:08.10.2018**

Rns