

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.3551 OF 2012

ORDER:

Defendants in O.S.No.94 of 2007 are the revision petitioners. The plaintiffs/respondents herein filed application for amendment of plaint. The proposed amendment reads thus:

- (a) The plaint schedule land in Sy.No.210/A area 1A-21 guntas of Namapur shivar, the following boundaries of said land may be deleted as on East: Land of Nunugoppula Lachaiah, West: Land of Lenkala Ganga Ram, North: Land of Nugugoppula Mallaiah and brothers and South: Land of Gandla Papamma (D1) and in the same places inserted the correct boundaries of said land as on East: Land of Gandla Lachaiah, West: Land of Nunugoppula Komuraiah, who purchased land in Sy.No.210/A area 0-30 guntas from Gandla Papamma acquired through a court decree in O.S.No.137 of 1991, North: Land of Nunugoppula Mallaiah and others and South: Land of Gandla Papamma (D1) in Sy.No.230.
- (b) The plaint schedule land in Sy.No.231/B area 1A-21 guntas of Namapur shivar, the following boundaries may be deleted as on East: Land of Jeela Komuraiah (D2), West: Ralla Cheruvu Tank Bund, North: Land of Jeela Komuraiah (D2) and South: Land of Varna Hanmantha Reddy (D3) and in the same places inserted the correct boundaries as on East: Land of Lenkala Raya Mallu, West: Land of Jeela Lachamma in Sy.No.231/A area 0-26 guntas purchased by her from Gandla Lachaiah, North: Land of Jeela Komuraiah (D2) in Sy.No.221 purchased from Gandla Papamma and South: Lands of Rupreddy Raji Reddy and others".

The trial Court, after taking note of the stage at which the amendment is sought and exercising its discretion and jurisdiction, accepted the prayer for amendment. Hence, the revision.

Mr.G.Madhusudhan Rao, counsel for petitioners, contends that the proposed amendment substantially replaces the property

which was originally described. Such amendment ought not to have been permitted. The counsel for respondents submits that to keep the case of the plaintiff in line with the documents, the amendment is necessitated. Even if the amendment is permitted, the revision petitioners herein can file additional written statement and raise all the objections available to them in law and fact. On the other hand, if this Court interferes with the order of the trial Court, the respondents will suffer irreparable loss and injury.

I have perused the order under revision. *Prima facie*, I am of the view that the learned trial Judge on the touch stone of fair play and to use the procedure for furthering the ends of justice and also resolving the disputes between the parties has exercised the discretion. This Court is not persuaded to interfere with the order under revision.

Hence, the revision fails and is, accordingly, dismissed. The respondents herein are given six weeks time from today to file additional written statement. The trial Court after receiving the additional written statement as stated in this order considers and disposes of the suit within three months thereafter. The parties if do not cooperate the trial Court is given liberty to record reasons and proceed in accordance with law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

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S.V.BHATT, J

06<sup>th</sup> September, 2018

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