

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.1624 OF 2011

ORDER:

The present Civil Revision Petition is filed by defendant No.5 aggrieved over that part of the order which accorded relief to the petitioner-plaintiff in I.A. No.497 of 2006 in O.S. No.1167 of 2001 on the file of III-Additional Senior Civil Judge (Fast Track Court), Rangareddy at L.B. Nagar.

2. Heard Sri B. Sairam Goud, learned counsel for the revision petitioner, and Sri P. Kasi Nageswar Rao, learned counsel for respondent No.1-plaintiff.

3. In fact, originally, plaint in O.S. No.1167 of 2001 was filed to show the designation of the Sub-Registrar, Registration and Stamps, Rajendranagar Mandal, R.R. District, but it was struck off. According to the arguments submitted by the learned counsel for the revision petitioner herein, the revision petitioner was impleaded as 5th defendant in the suit as per orders in I.A. No.1164 of 2005, dated 15.9.2005. That has not been in dispute in the present Revision Petition. The controversy relates to certain amendments allowed by the Court below, which were elaborately narrated in I.A. No.497 of 2016.

4. The main submission made by the learned counsel is that the Sale Deed executed in favour of defendant No.4, who is the

vendor of the revision petitioner is not challenged by the 1st respondent-plaintiff, and, therefore, the very amendment sought for by the plaintiff ought not to have been granted. In an application under Order VI Rule 17 of Civil Procedure Code, unless nature and character of the suit changes by virtue of amendment that is sought to be introduced, normally proposed amendment will not be rejected.

5. In the plaint, so far as the statement of fact relating to Sub-Registrar concerned ought to be omitted and certain amendments were also made in regard to demolition of the structures raised by the revision petitioner and recovery of possession is also asked by demolishing the structures.

6. Originally, plaint was filed with the relief of perpetual injunction. Later, by way of amendment by substituting defendant No.5, revision petitioner herein, and relief of recovery of possession by demolishing the structures was also sought.

7. Certainly, recovery of possession also becomes consequential relief since the relief itself is for declaration of title over the plaint schedule property. The vendor of the revision petitioner is already on record, and, admittedly, he has sold the property under registered sale deed in favour of the revision petitioner, and it is also clear that 5th defendant-revision petitioner raised constructions having purchased the suit schedule property.

8. As could be seen from the record, even additional written statement was filed by the 5th defendant, copy of which is available in the case bundle and the same was filed on 7.11.2007.

9. In such an event, in case the relevant issues were not settled for trial in view of pendency of the present Revision petition, which was filed in the year 2011 and stay was granted on 30.04.2011, the Court below is directed to frame relevant additional issues. Since the suit relates to the year, 2001, the trial Court is directed to afford an opportunity to the revision petitioner to file additional written statement in case it is yet to be filed and thereafter, to settle the additional issues for trial in accordance with law, and to dispose of the suit as expeditiously as possible not later than six (6) months from the date of receipt of a copy of the order.

10. Accordingly, the present Civil Revision Petition is dismissed. The trial Court shall complete the exercise within a period of six months from the date of receipt of a copy of the order. Both parties are directed to cooperate with the Court for expeditious disposal of the suit as directed in the above. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the Civil Revision Petition shall stand closed.

A.SHANKAR NARAYANA

Dt. 06.04.2018

Note:- CC by 11.04.2018.

(B/O) gbs