

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.3764 of 2018

20.07.2018

Between:

Baggu Venkata Varma and others

..Petitioners

And

Divya Venkata Satya Varma and others

..Respondents

Counsel for the petitioners: Mrs.T.V.Sridevi

Counsel for the respondents: Mr.Pratap Narayan Sanghi

The Court made the following:



ORDER:

This civil revision petition arises out of order, dated 10.04.2018, in I.A.No.98 of 2018 in O.S.No.122 of 2010 on the file of the learned Senior Civil Judge, Chodavaram.

2. By the aforementioned order, the Court below has permitted the respondents/plaintiffs to amend the boundaries in the suit schedule property. When a query is put to Mrs.T.V.Sridevi, learned counsel for the petitioners, whether any prejudice has been caused to the petitioners on account of the delay in seeking amendment, the learned counsel has replied that her clients have been subjected to the litigation for the last 8 years and that as a result of the amendment, they will be vexed with the litigation for some more time. She has further submitted that as far back as the year 2011, her clients filed a written statement pointing out the errors in the boundaries mentioned in the plaint, but in spite of the same, the respondents were not diligent in seeking amendment till recently.

3. Mr.Pratap Narayan Sanghi, learned counsel for the respondents, has fairly conceded that there is delay in filing the application for amendment and that the Court below has,

however, finding that the amendment is meant only for correcting the mistakes in the description of the boundaries, allowed the same.

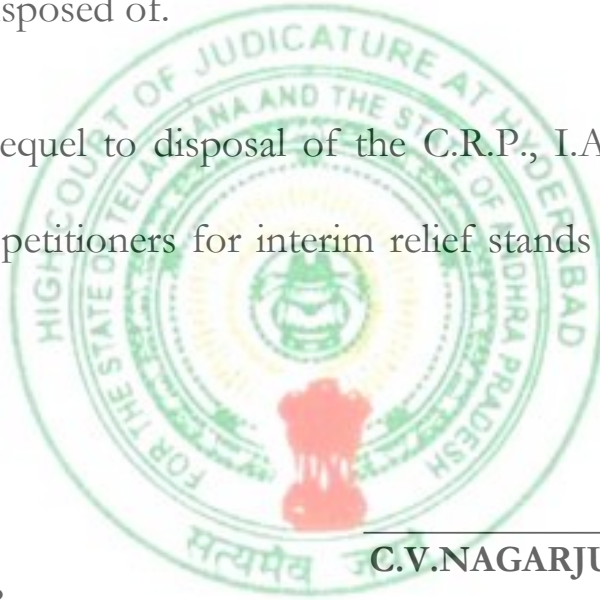
4. Undoubtedly, under Order VI Rule 17 C.P.C., a person seeking amendment has to satisfy the Court that despite due diligence, he could not seek such amendment at the earliest point of time. Concededly, the respondents have not raised any such plea. I am, however, not inclined to set aside the order of the Court below in view of the fact that the petitioners have failed to show serious prejudice on account of allowing of the application except stating that the amendment results in inevitable delay in disposal of the suit. Such delay certainly be compensated by awarding reasonable costs. The learned counsel for the respondents has fairly submitted that his clients have no objection for paying such costs.

5. In the aforementioned facts and circumstances of the case, order, dated 10.04.2018, in I.A.No.98 of 2018 in O.S.No.122 of 2010 on the file of the learned Senior Civil Judge, Chodavaram, is modified only to the extent of making a provision for payment of costs. The respondents are, accordingly, directed to pay costs of Rs.10,000/- (Rupees ten

thousand only) to the petitioners within a period of two weeks from today. The learned counsel for the petitioners has submitted that on behalf of all the petitioners, petitioner No.1 will receive the costs. On proof of payment of costs within the above stipulated time, the Court below shall dispose of the suit as expeditiously as possible.

6. Subject to the above directions, the Civil Revision Petition is disposed of.

7. As a sequel to disposal of the C.R.P., I.A.No.1 of 2018 filed by the petitioners for interim relief stands disposed of as infructuous.



20th July, 2018
GHN

C.V.NAGARJUNA REDDY, J