

**THE HON'BLE SRI JUSTICE S.V.BHATT**  
**CIVIL REVISION PETITION No.4109 OF 2018**

**ORDER:**

Heard Mr.Alladi Ravinder, counsel for the revision petitioner and Mr.K.M.Mahender Reddy, counsel for the respondents.

2. The 1<sup>st</sup> respondent filed O.S.No.134 of 2012 for perpetual injunction restraining the revision petitioner herein and respondents 2 to 5 from interfering with her peaceful possession and enjoyment of plaint schedule property. The 1<sup>st</sup> respondent filed I.A.No.210 of 2016 under Order VI Rule 17 C.P.C to include the prayer of declaring Document No.3252 of 2010, which is executed by respondent No.2 in favour of revision petitioner, as null and void. The said application is allowed by the trial Court. Hence, the Civil Revision Petition.

3. Mr.Alladi Ravinder, counsel for the petitioner contends that by allowing the prayer for amendment, the cause of action is substantially changed and the framing of suit is also changed. Therefore, the question of limitation arises and the trial Court ought not to have allowed amendment for declaring the Document No.3252 of 2010 as void and not binding on the 1<sup>st</sup> respondent.

4. The effective contentions urged by Mr.Alladi Ravinder, counsel for the petitioner are merely referred to and for following reasons, this Court is not persuaded to accept the said contentions.

(a) The question of limitation is required to be considered by the trial Court under Section 3 of the Limitation Act. In a stage where the question of limitation can be ordered on full-fledged trial

it is not desirable to express a view by a party. The effect that the amendment is allowed it does not mean that the party who asked for amendment is also entitled for that prayer.

(b) The 1<sup>st</sup> respondent is not a party to Document No.3752 of 2010. Under those circumstances, different requirements are examined by the Court while considering the prayer.

5. The trial Court has exercised its discretion and this Court substantially is in agreement with the findings recorded by the trial Court and secondly no ground is pointed out, except the two submissions urged above warranting interference under Article 227 of the Constitution of India. The revision fails.

6. Accordingly, the Civil Revision Petition is dismissed. Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

**OCTOBER 03, 2018**  
YVL

**JUSTICE S.V. BHATT**

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**Dt: 03.10.2018**

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