

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4964 of 2018

Date: 31.08.2018

Between:

Bandarupalli Hanumayamma and 3 others

.. Petitioners

and

The Mandal Revenue Officer
Pendurti Mandal, Visakhapatnam and another

.. Respondents

Counsel for the Petitioners : Mr.Ch.Ravinder

The Court made the following:



Order :

This Civil Revision Petition (CRP) is filed against Order, dated 29-06-2018, in IA.No.393 of 2018 in OS.No.1892 of 2012 on the file of the II Additional Senior Civil Judge, Visakhapatnam.

The petitioners filed the aforementioned suit for Permanent Injunction restraining the respondents from interfering with their possession over the suit schedule property. A written statement was filed by the respondents denying the title of the petitioners as far back as 18-02-2013. Having kept quiet for five long years, the petitioners have leisurely filed the aforementioned IA seeking amendment of the plaint by adding the relief of declaration of title. The said IA having been dismissed by the Court below, the petitioners have filed this CRP.

Though the Court below has dismissed the IA on the ground that the same is barred by limitation under Article 58 of the Schedule appended to the Limitation Act, 1963, I do not find it necessary to deal with that aspect as, I am of the opinion that the IA ought to have been dismissed only on the ground of inordinate and unexplained delay in filing the same. The petitioners, having come to know about the stand of the respondents regarding their title through the written statement filed by the latter in the year 2013 itself, did not file the application for amendment of plaint within a reasonable time. The petitioners cannot procrastinate the

suit proceedings by coming out with an application after commencement of the trial. Though, ordinarily, a party may be permitted to seek amendment at any point of time, the Courts cannot allow such amendments, unless the party has shown sufficient cause for not filing the application before commencement of trial. There is already huge pressure on the Courts to dispose of the old cases and the Applications of this nature add further pressure on them, resulting in further delay in disposal of the suits.

In the above view of the matter, this CRP is dismissed, however, giving liberty to the petitioners to file a fresh suit for declaration of title and other appropriate reliefs. In such an event, the observations made by the Court below in the impugned order on the aspect of limitation shall not influence it while deciding the suit.

As a sequel to dismissal of the CRP, IA.No.1 of 2018, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 31st August, 2018
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