

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.5437 of 2018

ORDER:

The Revision arises out of an order passed in an application under Order VI Rule 17 of the Code of Civil Procedure, 1908, permitting the plaintiff to amend the plaint.

2. The suit was one for permanent injunction. The suit property was described in the plaint, as it was originally filed, as "an extent of 532.22 square yards, situated in R.S.No.537 in NTS No.66 of Vijayawada Urban Mandal City, Krishna District".

3. By the application for amendment, the plaintiff sought merely to delete RS 537 from the description of property in the plaint schedule. Neither the averments contained in the plaint nor the prayer was sought to be amended.

4. Primarily, the petitioner has come up with the above revision on a misconception that R.S.No.537 is sought to be changed to R.S.No.102. But this misconception is completely baseless. There is no prayer for replacement of R.S.No.537 with R.S.No.102. Even the amended copy of the plaint does not show R.S.No.102 in the plaint schedule land.

5. If the petitioner takes the risk of removing the only survey number mentioned in the plaint schedule, the defendant should actually welcome it. I do not know why the defendant has come up with the above revision.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 20-09-2018

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