

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.5923 OF 2018

ORDER:

Heard Mr.Mamidi Venu Madhav for petitioner.

Plaintiffs in O.S.No.322 of 2006 in the Court of the I-Additional Senior Civil Judge, Warangal are the revision petitioners. The suit is filed for permanent injunction. The revision petitioners filed I.A.No.950 of 2016 under Order I Rule 10 read with Order VI Rule 17 CPC to amend the plaint by impleading the proposed party as defendant No.4.

It is stated in the affidavit filed in support of I.A.No.950 of 2016 that the proposed party/Kakatiya Thermal Power Project, Chelpur, Warangal District occupied the suit schedule property by dispossessing the petitioners/plaintiff stating that the proposed party acquired the suit schedule property under Award No.B/3773/2005 dated 07.08.2006 without paying compensation. Hence, they pray for amendment of the plaint to make good the loss sustained by the petitioners/plaintiffs. The proposed defendant filed counter affidavit stating that the proposed amendment changes the nature of suit from permanent injunction to the one for payment of compensation by respondents.

The learned trial Judge through the order impugned in the revision rejected the prayer of revision petitioners on the ground that the proposed amendment would not serve any purpose. Hence, the revision.

I have perused the record. The trial Court has rightly dismissed the application filed by the petitioners. This Court is in agreement with the reasons recorded by the trial Court. No ground warranting interference under Article 227 of the Constitution of India is made out.

Revision fails and is, accordingly, dismissed. The trial Court considers disposing of the suit within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

16th November, 2018
Lrkm



S.V. BHATT, J