

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.541 OF 2013

ORDER:

Defendants 1, 3 to 5 in O.S. No.21 of 2003 are the revision petitioners. The suit is for partition and separate possession of the plaint schedule properties.

The respondents/plaintiffs filed I.A. No.738 of 2012 for amendment of plaint under Order 6 Rule 17 of CPC. This Court is of the view that if we excerpt the proposed amendment, the same explains the reasons and circumstances under which the trial Court has exercised its discretion. The proposed amendment reads thus:

“1.Certified copy of registered sale deed dated 07.10.2006 (Document No.2613/2006) executed by Gandavarapu Shailaja in favour of Gummadi Venkata Subbaiah)

2.Certified copy of registered sale deed dt.07.10.2006 (Document No.2614/2006) executed by Manrikonda Venkata Subbamma in favour of Gummadi Venkata Subbaiah.

3.Certified copy of registered sale deed dated 29.09.2011 (Document No.5871/2001) executed by Palagadu Usha Rani in favour of Gummadi Swetha.

4.Certified copy of registered sale deed dt.29.09.2011 (Document No.5872/2011) executed by Pathi Sudhakar in favour of Gummadi Ravi Theja.”

The learned trial Judge allowed the application subject to costs of Rs.1000/- payable to revision petitioners. Hence, the revision petition.

Mr.Venkata Narayana contends that the Court below having accepted that the evidence in the suit since has commenced and witnesses are examined, committed an illegality in allowing the amendment petition. He further contends that the

amendment ought not to have been ordered having noticed that the properties stand in the name of 3rd party.

I have perused the order under revision and also noted the submissions of Mr. Venkata Narayana. Prima facie this Court is of the view that the proposed amendment adds one more schedule to the plaint. In support of the claim for partition, a few documents are relied on by the respondents. Admittedly, none of these situations or circumstances the respondents could have expected to have first information, and on coming to know of the transactions and properties, the prayer for amendment is made. It is well settled that the suit for partition decides the dispute and the rights of the parties comprehensively. Looking from that angle, this Court sees no reason to interfere with the order under revision. The revision fails and is accordingly dismissed. The trial Court considers disposing of the suit as expeditiously as possible, preferably within eight (8) weeks from the date of receipt of a copy of this order. The trial Court takes up the trial on day-to-day basis and completes the trial within the time stipulated by this Court. The parties, for any reason, if do not cooperate with the Court for timely completion, the trial Court is given liberty to record its reasons and proceed in accordance with law.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

Date: 07.09.2018
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