

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.6168 OF 2016

ORDER:

1 This petition is filed under Article 227 of the Constitution of India assailing the order dated 31.10.2016 passed in I.A.No.717 of 2016 in O.S.No.1086 of 2012 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District.

2 Heard the learned counsel for both parties.

3 A perusal of the record reveals that the husband of the second petitioner filed O.S.No.1086 of 2012 for declaration and perpetual injunction in respect of the suit schedule property against the respondents. During the pendency of the suit, the husband of the second petitioner died and the second petitioner came on record as plaintiff No.2. During the pendency of the suit, the second petitioner sold the suit schedule property in favour of the third petitioner under a registered sale deed dated 06.07.2015. While things stood thus, the petitioner Nos.2 and 3 have filed I.A.No.717 of 2016 under Order VI Rule 17 CPC seeking permission of the Court to amend the plaint. The trial court after affording reasonable opportunity to both parties, dismissed the said petition. Hence the present Civil Revision Petition.

4 It is not in dispute that during the pendency of the suit the second petitioner sold the suit schedule property to the third petitioner under a registered sale deed dated 06.07.2015. This Court carefully perused the affidavit filed by the second petitioner. The affidavit is conspicuously silent with regard to the date month and year when the second petitioner was alleged to have been dispossessed from the suit schedule property. As per the recitals of

the sale deed dated 06.07.2015, the second petitioner delivered the suit schedule property to the third petitioner.

5 Both counsel with one voice submitted that some vital aspects were not considered by the trial court and hence this is a fit case to remand the matter to the trial court to pass orders afresh.

6 Having regard to the submissions made by the learned counsel for both the parties, this Civil Revision Petition is allowed, setting aside the order dated 31.10.2016 passed in I.A.No.717 of 2016 in O.S.No.1086 of 2012. The matter is remanded to the trial court for fresh disposal of I.A.No.717 of 2016 after affording reasonable opportunity to both parties. No order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Date: August 2, 2018.
Kvsn

T.SUNIL CHOWDARY, J

