

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No. 7149 OF 2018

ORDER:

This civil revision petition is disposed of at the stage of admission as this Court finds no exigency to order notice to respondents/ plaintiffs.

This CRP is filed by the revision petitioners/defendants aggrieved by the order dated 28.09.2018 passed in IA No.1175 of 2018 in OS No.142 of 2018 by the Principal Junior Civil Judge, Tadepalligudem, wherein the trial court allowed the petition filed by the respondent/ plaintiff under Order –VI R-17 CPC seeking to amend RS No.583/ 2P as RS No.584/ 2P in item Nos.1 and 2 of the schedule attached to the plaint and for consequential amendment of the schedule.

A perusal of the impugned order would show that the trial court having found that though in the plaint, survey numbers were mentioned as RS No.583, 584/ 2P, but in the schedule instead of 584/ 2P it was typed as 583/ 2P, opined that the same is a typographical mistake, which can be rectified by way of amendment and thereby allowed the IA by its order dated 28.09.2018. The trial court incidentally observed that no prejudice would be caused to the revision petitioners/ defendants if RS number is amended as 584/ 2P instead of 583/ 2P. The said order is now impugned.

Learned counsel for revision petitioners would submit that the trial court ought not to have allowed the amendment petition particularly, when IA No.1181 of 2018 filed by the revision petitioners/defendants under Order-7 Rule 11 CPC was pending before the trial court. This Court finds no force in the said submission. Mere pendency of IA No.1181 of 2018 cannot be a ground to allow the petition in IA No.1175 of 2018, when particularly, the trial court found that it was due to a typographical mistake that survey No. 584/ 2P was typed as Survey No.583/ 2P. Hence, the impugned order does not suffer from any perversity or illegality warranting interference of this Court.

Accordingly, the civil revision petition is dismissed at the stage of admission. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 06.12.2018
MJL/*

U. DURGA PRASAD RAO, J