

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No. 6442 OF 2017

DATED 05TH JANUARY, 2018

Between:

Aakula Vasundhara

... Petitioner

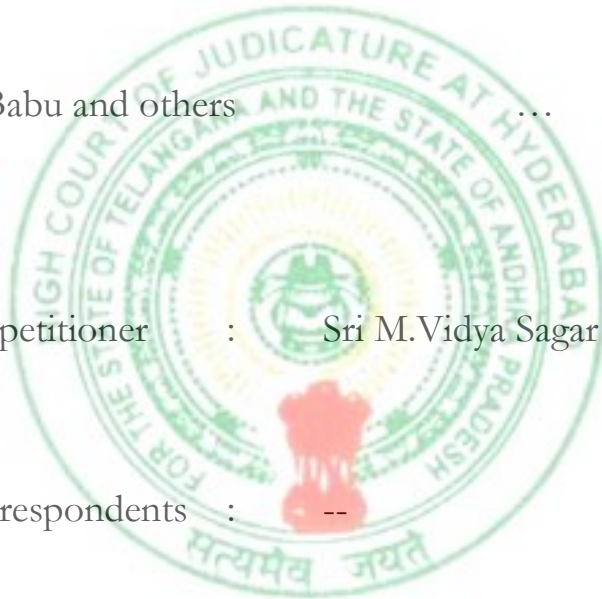
AND

Timadana Suri Babu and others

... Respondents

Counsel for the petitioner : Sri M.Vidya Sagar

Counsel for the respondents : --



THE COURT MADE THE FOLLOWING

ORDER:

This civil revision petition arises out of order dated 16-10-2017 in I.A.No. 335 of 2017 in O.S.No. 1254 of 2011 on the file of the Court of I Additional Senior Civil Judge, Visakhapatnam (for short, 'the Court below').

2. I have heard Sri M.Vidya Sagar, learned counsel for the petitioner, and perused the record.

3. Respondent Nos. 1 to 3-the plaintiffs filed the aforementioned suit for permanent injunction restraining the petitioner, who is defendant No. 4, and respondent Nos. 4 to 7, who are other defendants to the suit, from interfering with their possession over the plaint schedule property. When the case was posted for trial, respondent Nos. 1 to 3 filed I.A.No. 335 of 2017 under Order VI Rule 17 of the Code of Civil Procedure to permit amendment of plaint by including the prayer of mandatory injunction to restore the plaint schedule property to its original status. In support of this application, respondent Nos. 1 to 3 pleaded that in violation of the *status quo* order granted by the Court, the defendants laid road in the midst of the plaint schedule property and that therefore the amendment was necessitated for restoring the plaint schedule property to its original status. The petitioner and respondent Nos. 4 to 7 resisted the application for amendment on the ground that there was no violation of *status quo*

order and that therefore there is no basis for claiming amendment. The Court below by the order under revision allowed the said application relying on the judgment of this Court in ***Sanapala Ramanujulu @ Ramanuja Charyulu Vs. Sanapala Sridhrudu (died) and others***¹.

4. The law is well settled that Courts should be liberal in allowing amendments so as to avoid multiplicity of proceedings. It is not the pleaded case of the petitioner that a suit for permanent injunction cannot be converted into one for mandatory injunction. Therefore, by seeking amendment of the prayer in the suit, respondent Nos. 1 to 3 have not intended to change the complexion of the suit. It is also not the pleaded case of the petitioner that by allowing such amendment, any prejudice is caused to her. Moreover, the trial of the suit is yet to be commenced. Ordinarily, applications for amendment are allowed by Courts liberally at the pre-trial stage.

5. In the light of the above, I am of the opinion that the Court below has not committed any jurisdictional error in allowing the application filed by respondent Nos. 1 to 3 for amendment of the relief claimed in the plaint.

6. The civil revision petition is accordingly dismissed.

¹ 2014 (2) ALD 365

7. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No. 8283 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 05-01-2018.

JSK

