

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.6871 OF 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 12.10.2017 passed in I.A.No.382 of 2017 in O.S.No.23 of 2011 on the file of the II Additional District Judge, Kurnool at Adoni.

2. Heard the learned counsel for both parties.

3. The facts leading to filing of the present revision petition are briefly as follows: Respondent Nos.1 to 6 herein have filed O.S.No.23 of 2011 on the file of the II Additional District Judge, Kurnool, Adoni, against the petitioners herein and others for declaration and consequential perpetual injunction. After closure of the evidence on both sides, respondent Nos.1 to 6 herein have filed I.A.No.382 of 2017 in O.S.No.23 of 2011, under Order VI Rule 17 and Section 151 C.P.C. for amendment of the relief portion only. The trial Court allowed the said petition on merits. Feeling aggrieved by the order dated 12.10.2017 passed in I.A.No.382 of 2017 in O.S.No.23 of 2011, the defendants in the main suit filed the present revision petition.

4. Now the point that arises for consideration is:

Whether there is any illegality, irregularity or impropriety in the order passed by the trial Court?

5. A perusal of the record reveals that respondent Nos.1 to 6 herein, who are plaintiffs, have specifically pleaded the existence of the registered sale deeds dated 23.04.1992, 26.02.1992, 30.12.1992 and 28.08.1996. Respondent Nos.1 to 6 have marked

the above said documents as Exs.A.3, A.4, A.5 and A.7. A perusal of the record clearly demonstrates that respondent Nos.1 to 6 have laid a foundation in the plaint about the above referred sale deeds. For one reason or other, the relief portion was not properly articulated in the plaint. The present petition is filed seeking for amendment of the prayer portion only. The petitioners herein very much aware of the nature of the documents on which respondent Nos.1 to 6 are placing reliance to substantiate their stand after receipt of the plaint copy. Both parties have adduced oral evidence with reference to the above referred documents. While deciding the petitions of this nature, the Court has to consider whether allowing or dismissing of such petition may cause prejudice to the parties to the proceedings. If the amendment petition is allowed, the trial Court can adjudicate the matter effectively in order to put an end to the litigation between the parties. The trial Court has considered the material available on record judiciously and allowed the petition. I am fully endorsing the findings recorded by the trial Court. There is no illegality, irregularity or impropriety in the impugned order, which warrants interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

6. In the result, the Civil Revision Petition is dismissed. However, the trial Court is hereby directed to dispose of the matter as expeditiously as possible. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 21.06.2018

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