

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1595 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners/plaintiff Nos.1 to 3 and 6 aggrieved by the order dated 24.01.2019 passed in I.A.No.638 of 2018 in O.S.No.113 of 2016 by the Senior Civil Judge, Gadwal, whereby the application filed by the revision petitioners/plaintiff Nos.1 to 3 and 6 under Order VI Rule 17 of CPC, requesting to amend the plaint, was dismissed.

2. Heard learned counsel for the revision petitioners/plaintiff Nos.1 to 3 and 6, learned counsel for respondent No.1 and perused the record.

3. Learned counsel for the revision petitioners/plaintiff Nos.1 to 3 and 6 would submit that the trial has not been commenced in the subject suit. The revision petitioners/plaintiff Nos.1 to 3 and 6 wanted to specify the suit schedule property as 'A' and 'B' and further they wanted to place on record the boundaries of 'B' schedule property and also wanted to make consequential changes in the plaint pleadings. The Court below erroneously dismissed the said application. If the amendments are allowed, it would not change the nature of suit and would not cause any prejudice to the first respondent/defendant and ultimately prayed to set aside the impugned order and allow the civil revision petition.

4. On the other hand, learned counsel for the first respondent/defendant would contend that the revision

petitioners/plaintiff Nos.1 to 3 and 6 have obtained the order of interim injunction. Now they want to change the suit schedule property by amending the plaint. The suit is posted for trial. Such exercise is not permissible in view of the amendment made in Civil Rules of Practice in the year 2002 and ultimately prayed to dismiss the civil revision petition.

5. Admittedly, the subject suit was filed in the year 2016 and the subject application to amend the plaint was filed in the year 2018. It is borne by the record that the revision petitioners/plaintiff Nos.1 to 3 and 6 obtained interim injunction in respect of the suit schedule property. Now, under the colour of amendment, the revision petitioners/plaintiff Nos.1 to 3 and 6 intends to change the suit schedule property. If the proposed amendment is allowed, the suit schedule property would become different and the allegations made in the plaint would become inconsistent and a new dispute would arise. The Court below passed the impugned order by assigning number of reasons. Under these circumstances, this Court finds no perversity in the impugned order. The civil revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 12.12.2019
ssp