

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

C.R.P.No.1424 of 2019

ORDER:

This civil revision petition is filed questioning the order dated 08.03.2019 passed in I.A.No.129 of 2018 in O.S.No.202 of 2013 by the III Additional District Judge, Warangal, allowing the petition filed by the 1st respondent/plaintiff for amendment of the plaint and plaint schedule by inserting the land to an extent of 447.20 sq.yards in place of 147.20 sq.yards.

2. The case of the petitioners/defendants 1 and 2 is that the contract in the agreement of sale is totally different and if the amendment is allowed, the nature of the suit would completely be altered, which would cause great prejudice to them.

3. The specific contention of the learned counsel for the petitioners is that the trial Court had failed to take into consideration the settled principles of law with respect to the amendment of the pleadings, particularly, the plaint, and that the relief sought for by the 1st respondent/plaintiff in the amendment petition was beyond the main relief sought in the plaint and thereby, it completely alters the very nature of relief.

4. Having considered the submissions of the learned counsel for the petitioners and having perused the order impugned, though this Court is not satisfied with the reasons stated in the order impugned, keeping in view the law laid down by the Supreme Court in large number of cases to the effect that the amendment of pleadings be

allowed before commencement of the trial and also keeping in view the fact that admittedly, the trial is not yet commenced in the suit, this Court is not inclined to interfere with the order impugned.

5. In the aforesaid circumstances, the Civil Revision Petition is dismissed, leaving it open to the petitioners to take the available defence by seeking amendment of the written statement. No order as to costs.

6. Miscellaneous petitions, if any, pending in this revision shall stand closed.

24th June, 2019

sj

CHALLA KODANDA RAM, J

