

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.3869 of 2015

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.29-07-2015 in I.A.No.1039 of 2014 in O.S.No.90 of 2007 of the Senior Civil Judge at Sathupally.

2. By the said order, the Court below permitted the respondents to amend the written statement raising certain new pleadings and substitute the earlier pleadings.

3. The trial had not commenced in the suit by the time the application for amendment of written statement was filed.

4. The trial Court observed that in the case on hand, 1st respondent had sought withdrawal of the statement made in the original written statement that the 1st respondent had purchased from the petitioner's father, by now stating that it was the father of 1st respondent, who purchased it from the father of the petitioner in 1965, and in addition, a plea of adverse possession was also raised.

5. Though petitioner opposed the same stating that plea sought by 1st respondent is not tenable in the eye of law as it is nothing but withdrawal of admission and causes prejudice to his right, the Court below found that there was no admission in favour of petitioner which

is now sought to be withdrawn and thus permitted the application for amendment of the written statement.

6. Though learned counsel for petitioner sought to reiterate that there is admission originally in the written statement filed by respondents and that the said admission is sought to be withdrawn by them by way of amendment, it is important to note that the title to the property claimed by petitioner was denied in the original written statement as well as in the application for amendment. There is thus no admission made in favour of petitioner in the original written statement which is now sought to be withdrawn by petitioner.

7. So, I see no error of jurisdiction in the order in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

8. Accordingly the Civil Revision Petition fails and is dismissed.
No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-06-2019

Vsv