

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION NO: 30 OF 2019

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated, 14-11-2018 in IA No. 1703 of 2018 in O.S.No. 88 of 2012 on the file of the Court of the Principal Junior Civil Judge, at Medchal, Ranga Reddy District.

Between:

J. Laxma Reddy, S/o. J. Ramachandra Reddy, Aged 53 years, Occ- Business, R/o. H.No. 406, Nagarjuna Homes Block-II Nizampet Road, Kukatpally, Hyderabad.

...Petitioner/Petitioner/Defendant No.1

AND

1. Miryala Ram Mohan Rao, S/o. M. Kishan Rao, Aged about 55 years, Occ- Business, R/o. Flat No. 263, Srila Heights, St. Jophn Church Road East Maredpally, Secunderabad.
2. M.V. Ramana Reddy, S/o. Brahma Reddy, Aged about 36 years, Occ- Business, R/o. Plot No. 82 and 83, Flat No. 102 MRK Heights St.No.3, Hemanagar, Boduppal, Ranga Reddy District.

...Respondents/Respondents 1 and 2/ Plaintiff and Defendant No.1

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to stay all further proceedings in OS.No.88 of 2012 on the file of the court of the Principal Junior Civil Judge at Medchal, Ranga Reddy District, pending disposal of the above CRP.

Counsel for the Petitioner: SRI SAKINALA RAVI KUMAR

Counsel for the Respondent No.1: SRI GADDAM SRINIVAS

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 30 OF 2019

ORDER:

This Civil Revision Petition is filed challenging the order dated 14.11.2018 passed by the learned Principal Junior Civil Judge, Medchal, Ranga Reddy District, dismissing I.A No 1703 of 2018 in O.S.No.88 of 2012, filed for amendment of the written statement with respect to the boundary of the property

Heard learned counsel for the petitioner and learned counsel for respondent No.1. Notice sent to respondent No.2 was returned as addressee left.

The petitioner asserts that in the written statement, towards northern side of the property, it was mentioned as agricultural land belongs to Ramachandra Reddy instead of 60 feet wide road.

Learned counsel for the petitioner submits that in the registered sale deeds, through which, the petitioner came to acquire the property in 2007, northern side boundary is shown as 60 feet wide road and it is only a typographical error crept in the written statement and on noticing the same, the present I.A. is filed seeking to amend the same and that no prejudice would be caused to the respondent, if the said I.A. is allowed, as such, the order under revision is unsustainable and therefore, prays for allowing the Civil Revision Petition.

On the other hand, learned counsel for respondent No.1 vehemently opposes the Revision and submits that there was no due diligence on the part of the petitioner and the trial was

commenced and in view of the same, in terms of Order VI Rule 17 CPC, I.A. is not maintainable and the Revision is liable to be dismissed.

In terms of Order VI Rule 17 C.P.C., normally, the amendment of pleadings shall not be allowed. The same is not absolute bar and the bar contained under the Proviso to the same is that the Court is required to satisfy that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

In the present case, what is sought to be amended is not substantial part of the pleadings or by way of raising a new plea, except for correction of a mistake which has been crept with respect to the mentioning of the boundary, that too, in conformity with the registered documents, through which, the petitioner claims to have acquired the property. In view of the same, the objection raised by the learned counsel for respondent No.1 is liable to be rejected.

Hence, the Civil Revision Petition is allowed and the order under revision is set aside. Consequently, I.A.No.1703 of 2018 in O.S.No.88 of 2012 stands allowed.

Consequently, miscellaneous applications, if any shall stand disposed of.

SD/- NAYANI CHANDRASEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge, at Medchal, Ranga Reddy District.
 2. One CC to Sri Sakinala Ravi Kumar, Advocate [OPUC]
 3. One CC to Sri Gaddam Srinivas, Advocate [OPUC]
 4. Two CD Copies
- MMK

MMK

HIGH COURT
CKRJ
DATED:21/01/2021

ORDER
CRP.No.30 of 2019



ALLOWING THE CIVIL REVISION PETITION

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23/2/21
H/V