

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

**FRIDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION No: 3740 of 2024

Petition under Article 227 of the Constitution of India assailing the order dated 24-09-2024 passed in I.A.No.8 of 2021 in O.S.No.814 of 2014 on the file of the Court of the X Additional District Sessions Judge, Ranga Reddy District, at L.B.Nagar.

Between:

1. Smt.Gandu Anjamma, (Died Per LRs)
2. Gandu Sudhakar S/o Late Gandu Chennaiah, Age:70 years, Occ: Business, Native of Jukal Village, Shamshabad Mandal, Ranga Reddy District, Presently R/o. Flat No.1, 2nd Floor, Meghana Paradise, Ishaq Colony, Near AOC Gate, West Marredpally, Secunderabad.

...Revision Petitioners/Plaintiffs

AND

1. Sappa Jagan, S/o. late Ramaiah, Aged about 70 years, Occ: Agriculture, R/o. Udityal Village, Balanagar Mandal, Mahabubnagar District.
2. Sappa Subhash, S/o. late Ramaiah, Aged about 68 years, Occ: Agriculture, R/o. Udityal Village, Balanagar Mandal, Mahabubnagar District.
3. Smt. Devarashetty Shanthamma, W/o. late D.Ravinder, Aged about 60 years, Occ: Housewife, R/o. Akula Mailaram Village, Kandukur Mandal, R.R.District.
4. Devarashetty Srinath, S/o. late D.Ravinder, Aged about Major, Occ: Private Service, R/o. Akula Mailaram Village, Kandukur Mandal, R.R.District.
5. Smt. Devarashetty Suvarnalatha, D/o. late D.Ravinder, Aged about Major, Occ: R/o. Akula Mailaram Village, Kandukur Mandal, R.R.District.
6. Bowramma, W/o. Parvathalu, Aged Major, Occ: Housewife, R/o. Akula Mailaram Village, Kandukur Mandal, Ranga Reddy District.
7. A. Laxmamma, D/o. Parvathalu, Aged Major, Occ: Agriculture, R/o. Akula Mailaram Village, Kandukur Mandal, Ranga Reddy District.

8. Sri.Manoj Khandelwal, S/o. Late V.N. Khandelwal, Aged about 65years, Occ: Business, R/o H.No.1-1-380/8, Ashok Nagar, Hyderabad.
9. Smt.A. Praveen, D/o. A. Channa Reddy, Aged about 54 years. Occ: Business, R/o B-34, F APHB Colony, Bahadurpura, Hyderabad.

...Respondents/Defendants

10. Gandu Karunakar, S/o. late Gandu Chennaiah, Aged about 50 years, Occ: Business, Native of Jukal Village, Shamshabad Mandal, Ranga Reddy District.

Presently residing at Abroad.

(hence not necessary party)

...Petitioner/Respondent

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in O.S.No.814 of 2014 on the file of the Hon'ble X Additional District and Sessions Judge, Ranga Reddy District, at L.B.Nagar till the disposal of Civil Revision Petition.

Counsel for the Petitioners: Mr. A. Keshava Reddy

Counsel for the Respondents No.6 & 8: Mr. G. Rama Chander Rao

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
Civil Revision Petition No.3740 of 2024

ORDER:

Heard Mr.A.Keshava Reddy, learned counsel for the petitioner and Mr.G.Rama Chander Rao, learned counsel appearing for the respondent No.6 & 8. Perused the material available on record.

2. The instant Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India assailing the order dated 24.09.2024 passed in I.A.No.8 of 2021 in O.S.No.814 of 2014 by the X Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar (for short 'the trial court').

3. Respondent Nos.6 and 8 are the contesting respondent.

4. Vide the said impugned order, the trial court has dismissed a petition filed by the petitioner/plaintiff under Order VI Rule 17 read with Section 151 of Code of Civil Procedure.

5. The suit was initially filed way back in the year 2014 by the petitioner/plaintiff seeking for partition in the suit schedule property and also for separate possession. Though the suit was filed in the year 2014 and the contesting respondents have filed

a detailed written statement immediately thereafter itself. More than seven years later, the petitioner has filed the instant petition i.e. I.A.No.8 of 2021 seeking for amendment in addition to the pleadings that he intends to claim. The plaintiff had also sought for substantial amendment in the relief clause. The substantive amendment in the relief clause is in the nature of declaring the petitioner to be the title holder of the said property and also being entitled for one half share in the suit schedule property.

6. The written statement having being filed at a much belated stage that too after the contesting respondents having filed their written statement when the matter is taken up by the trial court it rejected the same on the ground that the nature of the suit itself will get change by virtue of the amendment that has been sought for and has rejected the same. It is this order which is under challenge in the present civil revision petition.

7. Though the learned counsel for the petitioner submits that there was certain material facts which were not available with the plaintiffs at the time of the filing of the suit and they have received all these information at a much belated stage and

therefore they wanted to amend the plaint so as to avoid further future complications and also to avoid multiplicity of litigation.

8. Upon the hearing of the learned counsel for the parties and upon going through the plaint, what is clearly reflected is that the petitioner at the first instance itself had filed a suit for partition and for separate possession in the suit schedule property, the petitioner had paid the requisite court fees for a suit for partition. The suit was filed in the year 2014. The present impugned order is one which was passed on I.A.No.8 of 2021. The said I.A. was a petition under Order VI Rule 17, the said petition for amendment has been filed after more than seven years of the filing of the suit. The plain reading of the amendment that the petitioner/plaintiff intends to seek reflects that the very nature of the suit itself is getting changed in as much as the suit for partition would in the event of the amendment being allowed, would convert the suit into the suit for declaration of title and one shall be in the suit schedule property. The petitioner also has pleaded for permission to pay the requisite additional court fees required upon the conversion of the partition suit into a declarative suit.

9. These very facts which by itself would reveal that the nature of amendment sought is firstly not permissible under the provisions of Order VI Rule 17. Moreover, it is by now a settled proposition of law that by virtue of the amendment of the plaint, the nature of the suit or the nature of relief sought for should not in any manner get changed or adversely effected, which it infact by the amendment sought for is getting effected.

10. For the reasons, this Court does not find any merits in the instant civil revision petition and the same deserves to be and is accordingly rejected.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K. AMMAJI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The X Additional District Sessions Judge, Ranga Reddy District, at L.B.Nagar.
2. One CC to Mr. A. Keshava Reddy, Advocate [OPUC]
3. One CC to Mr. G. Rama Chander Rao, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:13/12/2024

ORDER

CRP.No.3740 of 2024



**REJECTING OF THE
CIVIL REVISION PETITION**

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