APHC010394442026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI [3332]**
**(Special Original Jurisdiction)**

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**CIVIL REVISION PETITION NO: 2098/2026**

**Between:**

Nallabarriki Appayya Late and Others **...PETITIONER(S)**

**AND**

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

**Counsel for the Petitioner(S):**

1. S SRINIVASA RAO

**Counsel for the Respondent(S):**

1. GP FOR ARBITRATION

## The court made the following order:

The present civil revision petition is filed questioning the legality and correctness of the order dated 21.04.2026 in I.A.No.107 of 2026 in O.S.No.89 of 2016 on the file of learned Civil Judge (Junior Division), Palakonda, Srikakulam District.

2. Heard Sri S.Srinivasa Rao, learned counsel for the revision petitioners and learned Assistant Government Pleader for Arbitration.

3. Learned counsel for the revision petitioners in elaboration to what has been stated in the grounds of the revision and the contents of the affidavit filed

along with interlocutory application contended that, due to typographical error, the survey number was wrongly mentioned as 8/4 instead of 4/8 in the suit schedule property and the trial court failed to see that amending of survey number in the suit schedule property does not change the nature of the suit, which is filed for permanent injunction and also does not cause any prejudice to the respondents. In the said circumstances, dismissing the application seeking amendment is erroneous, as such, prayed to consider the revision. In support of his contentions, he relied on the judgment of this court in C.R.P.No.1515/2025 dated 13.03.2026 and prayed to allow the present revision also.

4. Learned Assistant Government Pleader for Arbitration reported no objection for allowing the present revision in terms of C.R.P.No.1515/2025 dated 13.03.2026.

5. Perused the record and considered the submissions of both the learned counsel.

6. Order VI Rule 11 of CPC postulates amendment of pleadings at any stage of the proceedings. In ***Pirgonda Hongonda Patil Vs Kalgonda Shidgonda Patil***[1], which still holds the field, it was held that all amendments ought to be allowed which satisfy the two conditions: (a) of not working injustice to the other side and (b) of being necessary for the purpose of determining the real questions in controversy between the parties.

[1] AIR 1957 SC 363

Amendments should be refused only where the other party cannot be placed in the same position as if the pleading had been originally correct, but the amendment would cause him an injury which could not be compensated in costs.

7. The law succinctly laid down from the expressions is that the requirement of satisfying the due diligence concept for the trial once commenced and in particular for post trial amendment is a mandatory requirement being a pre-requisite, besides the other considerations, where the amendment is necessary to resolve the real controversy and where does not cause grave prejudice or injustice to other side and where it does not alter the cause of action or inconsistent to the existing material in the pleadings on record. It can be allowed where the amendment is necessary to explain the material on record.

8. In view of the above, this court is of the opinion that, amending the survey number in the plaint schedule property 4/8, does not change the nature of the suit and ultimately the suit will be for permanent injunction only. The court below, without observing the same, has erroneously dismissed the application, as such, the same has to be set aside. Further, the judgment relied by the learned counsel for the petitioner is squarely applicable to the facts of this case. Therefore, in this court is inclined to allow the revision.

9. Accordingly, the civil revision petition is ***allowed*** and the order dated 21.04.2026 in I.A.No.107 of 2026 in O.S.No.89 of 2016 is hereby set aside. Consequently, I.A.No.107 of 2026 is allowed. No costs.

Miscellaneous applications, pending if any, shall stand closed.

**JUSTICE RAVI CHEEMALAPATI**

*BRS*