

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1993 of 2014

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendant Nos.1 to 3 aggrieved by the order and decree dated 05.06.2014 in I.A.No.390 of 2013 in O.S.No.198 of 2012 passed by the Senior Civil Judge, Nandigama, Krishna District, allowing the application filed by the 1st respondent/plaintiff under Order 6 Rule 17 of C.P.C., seeking to amend the plaint by substituting the word 'Southern' in the place of 'Northern' in respect of boundary of the schedule property in para No.5.

2. The 1st respondent/plaintiff filed suit in O.S.No.198 of 2012 for declaration of title over the suit schedule property. The suit is coming up for trial. The 1st respondent/plaintiff filed I.A.No.390 of 2013 under Order 6 Rule 17 of C.P.C., seeking to amend the plaint by substituting the word 'Southern' in the place of 'Northern' in respect of boundary of the schedule property. The petitioners/defendant Nos.1 to 3 filed counter affidavit resisting the said application. Considering the material on record, the Court below allowed the said application through the impugned order dated 5.6.2014. Hence, the present civil revision petition.

3. Heard learned counsel for the petitioners and

perused the impugned order.

4. It is not in dispute that the suit is of the year 2012 and the trial has not yet commenced. Thought it is contended by the learned counsel for petitioners that the amendment will change the very nature of the suit schedule property, I am not inclined to accept the same. It is well settled that the pre-trial amendments are to be considered liberally, particularly in order to avoid multiplicity of proceedings. Changing the boundary of the plaint schedule property on one side, will not change the entire nature of the suit schedule property. Therefore, the impugned order does not call for any interference by this Court under Article 227 of the Constitution of India.

5. For the foregoing reasons, the civil revision petition is devoid of merits and is accordingly dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
26.09.2014.
Msr

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