

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

WEDNESDAY ,THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

HON'BLE SRI JUSTICE NYAPATHY VIJAY



CIVIL REVISION PETITION Nos. 660 and 679 of 2023

CIVIL REVISION PETITION NO: 660 OF 2023

Petition under Article 227 of the Constitution of India, aggrieved by the order and decretal order dated 23.11.2022 passed in I.A.No.345 of 2022 in O.S.No.115 of 2014 on the file of the Senior Civil Judge, Hindupur.

Between:

Smt. S.Lakshmidevi, W/o M Sreeramulu, Aged 43 years, Occ. House wife,
R/o D.No.4-5-39A, Nethaji Nagar, Hindupur Town and Mandal, Sri Sathya
Sai District Erstwhile Anantapur District

...Petitioner/Respondent-Plaintiffs

AND

1. N.S. Sreedhar, S/o N S Appaiah, Aged about 74 years, Hindu, Occ.
Retired Turner, R/o D.No.6/36, 1st Floor, 4th Main, 9th cross,
Ramachandra Agrahara Chamarajpet, Bangalore City, Karnataka State
2. K Chand Basha, S/o Late Nazeer Ahamad, Aged 50 years, Muslim,
Occ. Document Writer, R/o D.No. 17-6-498/1, Hasanabad, Hindupur
Town and Mandal, Anantapur District Presently Sri Sathya Sai District

3. K Eswar, S/o Adivappa, Aged 57 years, Hindu, Occ. Real Estate Business, R/o D.No. 1-11-2, Abadpeta, Hindupur Town and Mandal, Anantapur District Presently Sri Sathya Sai District

...Respondents/Petitioners-Defendants

IA NO: 1 OF 2023

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. 115 of 2014 on the file of the Senior Civil Judge, Hindupur, pending disposal of the CR.P.

Counsel for the Petitioner : Sri. P Narahari Babu

Counsel for the Respondent No.2 : Md Saleem

The Court made the following: ORDER

CIVIL REVISION PETITION NO: 679 OF 2023

Petition under Article 227 of the Constitution of India, being aggrieved by the order and decretal order dated 23.11.2022 passed in I.A.No.346 of 2022 in O.S.No.115 of 2014 on the file of the Senior Civil Judge, Hindupur

Between:

Smt S Lakshmidevi, W/o M Sreeramulu, Aged 43 years, Occ. House wife, R/o D.No.4-5-39A, Nethaji Nagar, Hindupur Town and Mandal, Sri Sathya Sai District Erstwhile Anantapur District

...Petitioner/Respondent-Plaintiffs

AND

1. N S Sreedhar, S/o N S Appaiah, Aged about 74 years, Hindu, Occ. Retired Turner, R/o D.No.6/36, 1st Floor, 4th Main, 9th cross, Ramachandra Agrahara Chamarajpet, Bangalore City, Karnataka State
2. K Chand Basha, S/o Late Nazeer Ahamad, Aged 50 years, Muslim, Occ. Document Writer, R/o D.No. 17-6-498/1, Hasanabad, Hindupur Town and Mandal, Anantapur District Presently Sri Sathya Sai District
3. K Eswar, S/o Adivappa, Aged 57 years, Hindu, Occ. Real Estate Business, R/o D.No. 1-11-2, Abadpeta, Hindupur Town and Mandal, Anantapur District Presently Sri Sathya Sai District

...Respondents/Petitioners-Defendants

IA NO: 1 OF 2023

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. 115 of 2014 on the file of the Senior Civil Judge, Hindupur, pending disposal of the C.R.P.No. of 2023 and to pass

Counsel for the Petitioner : Sri. P Narahari Babu

Counsel for the Respondent No.2 : Sri MD Saleem

The Court made the following: COMMON ORDER

APHC010122962023



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

[3460]

**WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION Nos.660 and 679/2023

Between:

Smt. S.lakshmidevi

...PETITIONER

AND

N S Sreedhar and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P NARAHARI BABU

Counsel for the Respondent(S):

1.MD SALEEM

2.

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

C.R.P. Nos.660 & 679 of 2023

COMMON ORDER:

1. The C.R.P.Nos.679 & 660 of 2023 are filed questioning the Orders dated 23.11.2022 passed in I.A.Nos.345 & 346 of 2022 in O.S.No.115 of 2014 by the Senior Civil Judge, Hindupur, in allowing the applications to amend the written statement and to receive the document.
2. The Petitioner is the plaintiff. The suit was filed for declaration of title and for permanent injunction in favour of plaintiff and against the defendants with regard to the landed property plot No.5 located at Kotnur village, Hindupur Municipality. The petitioner in support of her case relied on a registered sale deed executed in favour of one M.Gangadhar and the said Gangadhar inturn sold the property to the husband of the plaintiff on 16.09.2011. Subsequently the husband of the plaintiff executed a registered gift deed on 13.12.2011 vide document bearing No.13056/2011 in favour of his wife i.e., plaintiff/petitioner. As the petitioner referred to sale deeds right from the year 1990 onwards to establish her right and title over the suit schedule property and as the defendants are interfering with the schedule property, the suit was filed for the above relief.
3. The defendants 1 and 2 filed a written statement while not disputing the sale deeds executed in favour of the petitioner and the link sale deeds, however, it was contended that the petitioner actually purchased plot No.23 and not plot No.5. The defendants in their written statement claimed that the defendant No.1 had

executed General Power of Attorney (G.P.A.) dated 13.10.1993 and subsequently executed another G.P.A. dated 05.05.2014 in favour of the second defendant noting correct schedule.

4. Subsequent to the institution of the suit, the first defendant sold the property by executing registered sale deed dated 24.07.2015 in favour of defendant No.2 vide document No.8006/2015 and delivered possession to the second defendant.

5. While so, in the course of evidence of the defendants, two Interlocutory Applications were filed by the defendants seeking for amendment of written statement and to receive the registered sale deed dated 24.07.2015. Though, the petitioner opposed both the applications, the trial Court allowed the same. Hence the present revision petition is filed.

6. Heard Sri P.Narahari Babu, learned counsel for the petitioner and Sri Md.Saleem, learned counsel for the respondents.

7. It is contended that the amendment to the pleading subsequent to the trial should not be permitted as the defendants were aware of the execution of the sale deed prior to the trial itself. The petitioner contended that the defendants having chosen not to bring on record the sale deed executed in favour of the defendant No.2 at the time of trial cannot be permitted to seek for amendment of pleadings.

8. Learned counsel for respondents/ defendants supported the order of the trial Court and contended that the nature of the suit or the claim of the petitioner is not going to be altered by virtue of the amendment.

9. It is also brought to the notice of the Court subsequent to the impugned orders, as no stay was granted by this Court, the trial Court carried out the amendment in the written statement and the document was received in the evidence, then DW2 was also cross examined by petitioner and that the suit is now posted for arguments.

10. The claim of the petitioner is based on link sale deeds and registered gift deed, which is executed in her favour. The defendants are also claiming the same plot, but the dispute is on the identity. This Court *prima facie*, is of the opinion that the amendment that is sought will not make any difference as the additional fact will not prejudice the petitioner in any manner as the petitioner has to substantiate her claim that the suit schedule property on the basis of the sale deeds and gift deed executed in her favour.

11. Further, as the trial Court has carried out the amendment, received the document and the defendants were cross examined on this aspect, this Court at this stage is not inclined to interfere with the orders of the trial Court.

12. These Civil Revision Petitions are, therefore, disposed of, leaving it open to the petitioner to raise all issues regarding the relevancy and genuineness of the impugned document in the suit. The trial Court shall try to dispose of the suit within three months from today. There shall be no order as to costs. As a sequel, pending applications, if any, shall stand closed.

Sd/- B.PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Civil Judge(Senior Division), Hindupur, Ananthapur District

2. One CC to Sri. P Narahari Babu, Advocate [OPUC]
3. One CC to Sri. MD Saleem, Advocate [OPUC]
4. The Section Officer, VR Section, High Court of Andhra Pradesh at Amaravati
5. **Three CD Copies**

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HIGH COURT

DATED:04/12/2024

COMMON ORDER

CRP.Nos.660 & 679 of 2023



DISPOSING THE CIVIL REVISION PETITIONS