

(2014) 07 AP CK 0082

In the Andhra Pradesh High Court

Case No : Civil Revision Petition No. 3443 of 2013

Chappidi Satyanarayanamma

APPELLANT

Vs

Chappidi Dhanalakshmi

RESPONDENT

Date of Decision : 07-07-2014

Acts Referred:

Citation : (2014) 5 ALD 761 : (2014) 5 ALT 774

Hon'ble Judges : Nooty. Ramamohana Rao, J

Bench : Single Bench

Advocate : G. Simhadri, Advocate for the Appellant; T.V.S. Prabhakara Rao, Advocate for the Respondent

Judgement

Nooty Ramamohana Rao, J.—This Revision is preferred against the Order passed on 05-07-2013 in I.A. No. 216 of 2013 in O.S. No. 28 of 2011. The petitioners in this Revision are the defendants, while Respondents 1 to 3 are the plaintiffs. The plaintiffs instituted the Suit seeking declaration of their title over the plaint schedule property. It appears that after the evidence was closed on both sides, arguments were heard on both sides and it is asserted that the learned counsel for the plaintiffs has taken time to submit his reply arguments and at that stage I.A. No. 216 of 2013 has been filed seeking amendment of the plaint schedule property with regard to the Revenue Survey Number and also three out of four boundaries of the plaint schedule property. I.A. No. 216 of 2013 was opposed by the petitioners herein. They have specifically asserted that pleadings have been amended in the past and the 2nd defendant in the Suit has been examined as D.W.-1 and he has been subjected to extensive cross-examination with regard to the plaint schedule property and during the course of arguments also, it was debated with regard to the identity of the suit schedule property. Therefore, the suit schedule property squarely was in dispute and was a contentious issue. Therefore, the plaintiffs should have taken adequate care. At any rate, the plaintiffs cannot realize the mistake committed by them after the arguments of the defendants were also over. Unfortunately, the learned Judge allowed the I.A.,

on the precious ground that the defendants could not make out a case of any forceable prejudice that would occur to their case if the amendment application is allowed. I am afraid, that cannot be the test that should be applied in a matter of this nature.

2. The Suit is instituted in the year 2001 and from 2010 onwards, it is undergoing adjournments on one pretext or the other. I am horrified to look at the certified copy of the docket sheet of the Suit produced by the learned counsel for the petitioner, wherefrom the entries started on 12-04-2010 disclosing that the Suit is coming for arguments. The cool four-year period has just elapsed because of the laxity exercised by the Court in this regard. It is salutary that as soon as evidence is over on both sides, prompt and necessary steps should be taken for completing the hearing, as, otherwise, the very advantage of participating effectively during the course of trial would be lost.

3. There should be a stage for amending the pleadings. Pleadings cannot be amended after the defence counsel has completed his arguments. If the pleadings are now allowed to be amended by one party, the opposite party will have to re-frame its defence. It will have to lead evidence afresh and this is one kind of tactics to keep the issue pending rather than allow the same to be decided.

4. Therefore, the prejudice that will be caused to the opposite party is writ large on the record. No separate prejudice need be demonstrated when an attempt is made to get the pleadings amended after the opposite party has concluded his arguments also.

5. Therefore, this Revision is allowed, but however, the costs imposed by the trial Court on the plaintiffs is retained and they will abide by the result in the Suit.

6. The learned Junior Civil Judge, Mummidivaram, East Godavari District, is directed to dispose of the Suit after hearing both sides, latest by 31-07-2014.