
(2003) 07 AP CK 0068
In the Andhra Pradesh High Court
Case No : CRP No. 1579 of 2003

E. Mallaiah (died) by LRs. and Others	APPELLANT
Vs	
M. Surana and Others	RESPONDENT

Date of Decision : 07-07-2003

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17

Citation : (2003) 4 ALD 844 : (2003) 2 APLJ 449

Hon'ble Judges : B. Seshasayana Reddy, J

Bench : Single Bench

Advocate : C.V. Nagarjuna Reddy, for the Appellant; B. Venkatarama Rao, for the Respondent

Final Decision : Dismissed

Judgement

B. Seshasayana Reddy, J.—This Civil Revision Petition is directed against the order dated 6-3-2003 passed in LA. No. 201 of 2003 in O.S. No. 150 of 1996 on the file of Junior Civil Judge, Medchal, Ranga Reddy District, whereby the learned Junior Civil Judge dismissed the application filed by the petitioners/plaintiffs for amendment of a plaint.

2. The petitioners herein are the plaintiffs in O.S.150 of 1996 on the file of Junior Civil Judge, Medchal. They filed the suit for permanent injunction restraining the respondents/defendants from interfering with their peaceful possession and enjoyment over the suit schedule land admeasuring Ac.54-16 guntas comprising of survey numbers 293, 294 and 295. It is the case of the plaintiffs that they purchased the suit schedule land from the original pattedar namely Mirza Hussain Baig S/o Hyder Baig on 15-5-1964 for a valuable consideration of Rs. 85/- and that since then they are in peaceful possession and enjoyment of the said land. The legal heirs of Mirza Hussain Baig did not dispute the title right and interest of the plaintiffs over the suit schedule land and as such they perfected their title by prescription by adverse possession to the knowledge of real owner and others. When the defendants who have no manner of right title and interest

over the suit schedule land attempted to interfere with their peaceful possession and enjoyment, they filed the suit for injunction simplicitor against the defendants. The relief claimed by the plaintiffs in the plaint reads as follows:

"(i) A Decree of perpetual injunction be granted in favour of the plaintiffs against the defendants herein, their agents, servants, followers, etc., or any other person or persons claiming through or under them from interfering with the peaceful possession and enjoyment of the plaintiffs over the suit schedule land, agricultural land bearing Sy.No. 293 to the extent of Ac.20-29 guntas, Sy.No. 294 admeasuring Ac.20-12 guntas Sy.No. 295 admeasuring Ac. 13-15 guntas, total admeasuring Ac.54-16 guntas, situated at Ravalkole Village Medchal Mandal, Ranga Reddy District, which are more particularly described in the Schedule hereto in any manner whatsoever.

(ii) Costs of the suit be awarded;

(iii) Any other relief or reliefs to which the plaintiffs are entitled much also be awarded;"

3. The defendants filed written statement resisting the claim of the plaintiffs. It is the case of the defendants that the suit land originally owned and possessed by Mirza Hussain Baig and the said Mirza Hussain Baig died leaving behind his two wives Bismittah Bee and Wasi.Begum and two daughters Rasheeda Sultana and Khawish Fatima as his legal heirs. The legal heirs of original pattedar in the capacity as owners and possessors sold the suit schedule land through their constituted attorney Banwarilal Jain to the defendants vendors under registered sale deed. D-1 purchased Ac.9-12 guntas in S.No. 912, Ac.1-24 guntas in S.No. 299 under registered -sale deed dated 12.9.1990. D-2 purchased Ac.9-29 guntas in S.No. 294 under registered sale deed dated 12.9.1990. D-3 purchased Ac. 11-00 in Sy.No. 295 under registered sale deed dated 12.9.1990. D-4 purchased Ac.9-29 guntas in S.No. 293 and Ac.1-11 guntas in S.No. 294 under a registered sale deed dated 12.9.1990. D-5 purchased Ac.11-00 under registered sale deed dated 12.9.1990. Thus D-1 to D-5 herein acquired title and possession over the suit land. The suit land was computed in the holding of the heirs of the original pattedar in the proceedings before the Land Reforms Tribunal vide orders dated 16-6-1977 in C.C.No. 2023/M/75. The plaintiffs are not in possession of any piece of suit land at any point of time. The suit for injunction simplicitor filed by the plaintiff is not maintainable without seeking the relief of declaration. The plaintiffs filed I.A.609/ 96 under Order 39 Rules 1 and 2 CPC for temporary injunction pending disposal of the suit. The Trial Court granted temporary injunction. The defendants carried the matter in appeal by filing C.M.A.No. 34 of 1999. The said appeal came to be allowed setting aside the orders passed in I.A.No. 609 of 1996. The plaintiffs unsuccessfully carried the matter to the High Court by filing C.R.P.No. 3426 of 2000. The Trial Court settled the issues and posted the case for trial. While so, the plaintiffs filed I.A.No. 201 of 2003 under Order 6 Rule 17 read with Section 151 CPC seeking amendment of the plaint. The proposed amendment of the plaint reads as follows:

"(i) To add the following as Para 3-A:

3-A: The defendants claimed in their written statement to have purchased the suit land from three heirs of the original pattedar under 231 Five Registered Sale Deeds, all dated 12-9-1990. I am informed that the admitted Original Pattedar left a son also. The said three persons were not competent to execute Sale Deeds and convey the suit land to the Defendants. Nor the person executing the Sale Deeds had the power and authority. There is no valid conveyance of the suit land to the Defendants. In any case, the Defendants acquired right, if any to recover possession of the suit land on 12-9-1990 under the alleged Sale Deeds. The Plaintiffs continued to remain in possession of the suit land till today. Their possession is open, known to one and all including the Defendants, in denial of the Defendants' rights, if any, and hostile to the Defendants. Thus, the title of Defendants, if any, to the suit land stood extinguished on 12-9-2002 and the plaintiffs acquired, in any event, title to the suit land by adverse possession from the said date. Thus the plaintiffs are entitled to declaration that they are owners and possessors of the suit land.

(ii) To add the following as penultimate sentence in para-6 of the plaint:

The cause of action also arose on 12-9-2002 when the alleged title of the defendants to the suit land stood extinguished and the plaintiffs, in any event, acquired title to the suit land by adverse possession.

(iii) To substitute for the words "that is the date" in the last sentence in para 6 of the plaint the following words:

"These are the dates."

(iv) To substitute the following for existing para 8 of the plaint:

8. The market value of the suit land is Rs. 13,05,600/-. The suit for the relief of Declaration is valued at Rs. 6,52,800/- being half of the said value and Court fee of Rs. 9,026/- is paid u/s 24(a) of A.P.C.F. and S.V.Act, 1956. The relief of Permanent Injunction being consequential to the relief of declaration, the same need not be separately valued and separate Court fee need not be paid. The value for the purpose of jurisdiction is also the same. i.e.

(v) To add the following as prayer para (ii)

(ii) To declare that the plaintiffs are the owners and possessors of the suit land.

(vi) To renumber the existing paras (ii) and (iii) of the prayer as paras (iii) and (iv) respectively."

4. In nutshell the plaintiffs seek declaration of title by way of the proposed amendment. It is averred in the affidavit filed in support of the amendment application that the relief of declaration in the suit is based on happening of event occurring on the expiry of twelve years period from the date of the alleged purchases claimed by the defendants. The respondents/defendants filed counter

opposing the application. They took the plea in the counter that the relief prayed by way of the proposed amendment is barred by limitation. They also took the plea that the plaintiffs filed the amendment application at a belated stage and to protract the litigation and that the amendment application basing on new cause of action is not maintainable. On considering the material on record and on hearing Counsel for both the parties, the lower Court dismissed the application on the ground that the plea taken in the amendment application is contradictory to the plaint averments. It is useful to extract the relevant portion of the impugned order and it is thus:

"8. As can be observed from the pleadings of the petitioner/plaintiff in the petition herein, it is not the case of the petitioner/ plaintiff that he is acquiring the title by adverse possession. Moreover, it is the case of the petitioner/plaintiff that the respondents/ defendants right for title by adverse possession extinguishes due to lapse of the 12 years period from the date of acquiring title by the defendants on account of the alleged sale deeds dated 12.9-1990. In any case by virtue of the above pleadings of the petitioner/plaintiff, it could be understood that it is the plea that has to be taken by the respondents/defendants in their own interest and it is for them to take the plea or otherwise in the interest of their rights. Further, it is also well established principle that the plaintiffs are not allowed to take alternative plea. Even viewed in that angle it is not the case of the petitioner/plaintiffs that they acquired the title by adverse possession on 12.9.2002. Further it is also pleaded by the petitioner/plaintiff herein in this petition that the defendants did not choose to seek recovery of possession of the suit lands despite their continuous possession as pleaded by the petitioners that their possession is open, known to one and all and hostile to the defendants. But as can be observed from the WS it is the pleading of the defendants that the defendants 1 to 5 herein came to acquire title and possession over the suit land and continue to be in possession of the same to the knowledge of one and all, particularly to the knowledge of the plaintiffs herein. Thus, it can be further observed from the pleadings of both sides it is the contention of both the sides that they have been in possession respectively and thereby the above pleadings of the petitioner/plaintiff herein is not tenable on facts being contrary to what has been stated by the defendants, in their written statement."

Feeling aggrieved by the dismissal of the amendment application, the plaintiffs have filed this Civil Revision Petition.

5. Learned Counsel for the petitioners/ plaintiffs contends that the lower Court has erred in observing that the proposed amendment is contradictory to the plaint pleadings and that the petitioners/plaintiffs did not plead of adverse possession in the plaint. He also contends that even a relief barred by limitation can be included by way of amendment. He placed reliance on the following decisions:

(1) K. Chinna Biddamma Vs. J. Krishnama Naidu and others, .

(2) Ragu Thilak D. John v. S. Rayappan and Ors. (2001) 2 SCC 472.

(3) Om Prakash Gupta Vs. Ranbir B. Goyal, .

(4) Sampath Kumar v. Ayyakamm and Anr. 2002 (6) ALD 63 (SC).

In the first cited decision, it has been held by our High Court that even a relief barred by limitation can be included by way of an amendment. In the second cited decision, the Supreme Court held that the dominant purpose of alienating the amendment is to minimize the litigation. The plea that the relief sought by way of amendment was barred by time is arguable in the circumstances of the case. The plea of limitation being disputed could be made a subject-matter of the issue after allowing the amendment prayed for. In the third cited decision, the Supreme Court held that the ordinary Rule of civil law is that the rights of the parties stand crystalised on the date of the institution of the suit and, therefore, the decree in a suit should accord with the rights of the parties as they stood at the commencement of the suit. However, the Court has power to take note of subsequent events and mould the relief accordingly subject to the following conditions being satisfied: (i) that the relief, as claimed originally has, by reason of subsequent events, become inappropriate or cannot be granted; (ii) that taking note of such subsequent event or changed circumstances would shorten litigation and enable complete justice being done to the parties; and (iii) that such subsequent event is brought to the notice of the Court promptly and in accordance with the rules of procedural law so that the opposite party is not taken by surprise. In the fourth cited decision, the Supreme Court held that if it is permissible for the plaintiff to file independent suit, there is no reason in not permitting the plaintiff to amend the plaint for incorporating the same relief, which could be prayed for in a new suit.

6. Learned Counsel for the respondents/defendants submits that the title of the appellants/plaintiffs has been denied by the respondents/defendants in the written statement filed on 7-8-1997 and therefore the amendment application filed by the appellants/plaintiffs on 14-2-2003 seeking the relief of declaration of title is barred by limitation and if the amendment is allowed, it amounts to permitting a time barred claim to be agitated by the appellants/ plaintiffs. He further contends that the alleged subsequent event which formed the basis for filing amendment application is immaterial for disposal of the suit. He placed reliance on the following decisions for the proposition that the application for amendment of plaint should be filed within the period of limitation prescribed for the amended claim or relief.

(5) K. Suri v. K. Ramulamma 1989 (3) ALT 601.

(6) Shaik Omer Bin Ali Umodi represented. by his Shaik Omer Bin Ali Umodi rep. by his GPA Habeeb Bin Omer Umodi Vs. Syed Yousuf Ali and Others, .

(7) Sayanna and Another Vs. Thimanna and Another, .

(8) Radhika Devi Vs. Bajrangi Singh and others, .

(9) T.L. Muddukrishanan and another Vs. Smt. Lalitha Ramchandra Rao, .

(10) (1994) 2 SCC 29 (SC) .

In *K. Suri v. K. Ramulamma* our High Court held that in a case where the suit is for mere injunction, it is open to the defendants to come forward with the plea that the plaintiff has no title to the property and assert title or possession, in themselves. In such circumstances, the only course open to the plaintiff if they assert title in them, is to seek for declaration of title. Alternatively, it is open to the defendants to establish that as on the date of the suit, they are in possession, whatever may be lawful source of possession. In the latter case the need to go into the question of title is redundant and it would be confined only to possession as on the date of the suit. If the amendment is allowed, in effect, it will be converting the suit into one of title without any such relief having been asked for. Thereby it changes the cause of action on the basis of which the suit is originally founded. Therefore, the refusal to grant permission for amendment of the plaint is not vitiated by any material irregularity or error of jurisdiction, warranting interference.

7. In *Shaik Omer Bin Ali Umodi*'s case our High Court held that the starting point of limitation for the purpose of Article 58 is when the right to sue first accrues. The right to sue arises when there is an infringement or at least clear threat to infringement of the right by the defendant. From this perspective, the Court has to say from which date the limitation had started running against the plaintiff. From the pleadings alone it cannot be definitely said that the right to sue accrued on a particular date, that has to be decided in the light of the evidence if any emerging in the course of trial. It would, therefore, be more appropriate if the amendment application is taken up along with main suit and decided together. In case the Trial Court holds that the amendment application was filed within time and within 3 years from the date of the accrual of right to sue and the issue with regard to declaration of title is found in favour of the plaintiffs, the amendment shall be allowed subject to the condition of payment of the additional Court fee within a particular time and the passing of the decree shall be made conditional on such payment. In *Sayanna* 's case our High Court held that a suit for perpetual injunction cannot be converted into a suit for declaration. More so when the defendants are going to be prejudiced. In the case cited suits were filed in 1997. After dismissal of injunction petition the plaintiffs filed two Interlocutory Applications seeking amendment of pleadings under Order 6 Rule 17 of CPC, 1908. They wanted to amend the prayer to that of seeking declaration. In effect, they wanted to convert the suit for perpetual injunction into a suit for declaration of title and recovery of possession. Basing on the above stated facts, *V. V.S. Rao, J.*, held that if the amendment applications are allowed, it would cause prejudice to the defendants, for two reasons. It might result in the petitioners-plaintiffs putting up plea of adverse possession to deny the very occupancy certificate issued u/s 38E of the Act. Further, the question of limitation comes, for the petitioners had admittedly filed the suits in 1997 and that would,

prima facie, beyond the period of 12 years, as there is an allegation that the defendants had been in occupation of the land since the occupancy certificate was granted. Further, when a suit is filed initially for perpetual injunction, the subsequent application for amendment seeking to convert the suit into one for declaration of title is not maintainable.

8. In Radhika Devi 's case the Supreme Court held that amendment of plaint seeking declaration that gift deed was obtained illegally and fraudulently, filed beyond period of limitation, defendant acquired right by bar of limitation, amendment if allowed would defeat right accrued in favour of the defendant. The facts in cited case are that the plaintiffs instituted suit for partition of certain properties. The defendants filed written statement on June 15, 1988 wherein they pleaded that Ramdeo Singh had executed and registered a gift deed in their favour on July 28, 1978, bequeathing the properties covered thereunder and so they became owners of those lands and the appellant is bound by the same. Pending the suit the plaintiffs filed an application under Order 6 Rule 17 CPC on November 11, 1992 seeking declaration that the gift deed was obtained by the respondents illegally and fraudulently and therefore it was ineffective and does not bind the plaintiffs. The Trial Court allowed the amendment petition. The High Court has set aside the order directing the amendment of plaint. Thus, the plaintiffs filed appeal by Special Leave in the Supreme Court. The Supreme Court held that where the party acquires right by bar of limitation and if the same is sought to be taken away by the amendment of the pleadings, the amendment in such circumstances would be defeated. The gift deed was executed and registered as early as July 28, 1978 which is a notice to every one. Even after filing of the written statement, for 3 years no steps were taken to file the application for amendment of the plaint. Thereby the accrued right in favour of the respondents would be defeated by permitting amendment of the plaint. The High Court, therefore, was right in refusing to grant permission to amend the plaint. In T.L Muddukrishana's case the Supreme Court upheld the rejection of the amendment application filed after the expiry of the period of limitation prescribed under Article 54 of the Limitation Act. The facts in this case are that the appellants and the respondents entered into an agreement on March 16, 1989 for sale of plot of land bearing No. 114/8 situated at Peenya Industrial Suburb II, Peenya Village, Bangalore for a consideration of Rs. 64 lakhs. The date for the performance of the contract was fixed as May 28, 1989. The appellants issued notice on October 2, 1989 calling upon the respondent to comply with the conditions mentioned under the agreement, namely, to obtain Income tax clearance certificate and certificate from the Urban Ceiling Authority permitting the respondent to alienate the property to the appellants. The respondent had issued a notice on November 6, 1989 repudiating the contract. The appellants then filed a suit for mandatory injunction on April 21, 1992 directing the respondent to comply with the requirements as mentioned in the agreement. While the suit was pending, the appellants made an application on November 5, 1992 under Order VI, Rule 17 of CPC for amending the plaint and

seeking specific performance of the contract The said application was rejected by the Trial Court and the rejection was confirmed by the High Court. Thus, the plaintiff filed the appeal by Special Leave. The Supreme Court held as follows:

"Under these circumstances, it must be held that for the purpose of limitation, what is material is that the limitation begins to run from the date the parties have stipulated for performance of the contract, line suit is required to be filed within three years from the date fixed by the parties under the contract. Since the application for amendment of the plaint came to be filed after the expiry of three years, certainly it changed the cause of action as required to be specified in the plaint. The suit for mandatory injunction is filed and the specific performance was sought for by way of an amendment. The cause of action is required to be stated initially in the plaint but it was not pleaded. It was sought to be amended, along with an application for specific performance which, as stated earlier, was rejected. Under these circumstances, even by the date of filing of the application, namely, November 5, 1992, the suit was barred by limitation. The High Court, therefore, was right in refusing to permit the amendment of the plaint."

In Arundhati Mishra's case the Supreme Court held that the amendment of pleadings can be made at any stage, including the stage of second appeal. Equally it can be refused. The essential requisites are that the delay in making the application; the reason therefore should be given and considered; and there should be no prejudice caused to the other side. Bar of limitation which is available to the parties cannot be permitted to be defeated. It is also settled law that if the relief is found on the same cause of action, though different sets of facts are sought to be brought on record by appropriate pleadings, it cannot be refused.

9. Order VI Rule 17 of CPC confers jurisdiction on the Court to allow either party to alter or amend his pleadings at any stage of the proceedings and on such terms as may be just. Such amendments are directed towards putting forth and seeking determination of the real question in controversy between the parties shall be permitted to be made. Pre-trial amendments are to be allowed more liberally than those which are sought to be made after the commencement of the trial or after conclusion thereof. In former case, generally it can be assumed that the defendant is not prejudiced because he will have full opportunity of meeting the case of the plaintiff as amended. In the latter cases the question of prejudice to the opposite party may arise and that shall have to be answered by reference to the facts and circumstances of each individual case. No strait-jacket formula can be laid down. The fact remains that a mere delay cannot be a ground for refusing a prayer for amendment. An amendment once incorporated relates back to the date of the suit. However, the doctrine of relation back in the context of amendment of pleadings is not one of universal application and in appropriate cases, the Court is competent while permitting an amendment to direct that the amendment permitted by it shall not relate back to the date of the suit and to the extent permitted by it shall be deemed to have been brought before the

Court on the date on which the application seeking the amendment was filed. A party to a suit can always seek amendment of pleadings at any time during trial or during its pendency before appellate Court. It is also well settled that Court should bestow liberal approach in dealing with the amendment applications. The grant of applications for amendment would, however, be subject to three conditions, namely, (i) when the nature of it is changed by permitting amendment; (ii) when the amendment would result introducing new cause of action and intends to prejudice the other party; (ii) when allowing amendment application defeats the law of limitation. The Supreme Court in *Laxmidas Dahyabhai Kabarwala Vs. Nanabhai Chunilal Kabarwala and Others*, , held as follows:

"It is, no doubt, true that, save in exceptional cases, leave to amend under Order 6 Rule 17 of the Code will ordinarily be refused when the effect of the amendment would be to take away from a party a legal right which had accrued to him by lapse of time. But this rule can apply only when either fresh allegations added or fresh reliefs sought by way of amendment. Where, for instance, an amendment is sought which merely clarifies an existing pleading and does not in substance add to or alter it, it has never been held that the question of a bar of limitation is one of the questions to be considered in allowing such clarification of a matter already contained in the original pleading. The present is a fortiori so. The defendants here were not seeking to add any allegation nor to claim any fresh relief which they had prayed for in the pleading already filed."

10. Keeping in view the proposition of law laid down by our High Court and the Supreme Court in the above referred decisions, let me consider the facts of the case on hand. The appellants/plaintiffs filed the suit for perpetual injunction in the month of September, 1996. They pleaded in the plaint that they have perfected title to the suit land adverse possession to the knowledge of real owner and others. Of course, the defendants have denied the title of the appellants/plaintiffs in the written statement. The appellants/plaintiffs by way of proposed amendment sought for declaration that they are the owners and possessors of the suit lands on the basis of their possession over the lands for a statutory period i.e., from 12.9.1990 to 12.9.2002. It is the case of the appellants/plaintiffs that the right of the respondents/ defendants has been extinguished by efflux of time since they did not take any steps to recover possession of the lands from them after their obtaining registered sale deeds dated 12.9.1990. Both the parties assert their possession over the suit land. It is contended by the learned Counsel for the respondents/defendants that the Trial Court dismissed the injunction application as the appellants/plaintiffs failed to prove of their possession over the suit lands and therefore the appellants/plaintiffs cannot be permitted to contend that they got title to the suit lands by way of adverse possession. I do not see any merit in his contention since whatever findings given in the interlocutory applications do not bar the Trial Court to come to different conclusion on full dressed trial of the suit. Both the parties assert possession over the suit land and it is the issue which is required to be

adjudicated upon in the suit. It is strenuously contended by the learned Counsel for the respondents/defendants that the respondents/defendants denied the title of the appellants/plaintiffs in the written statement filed on 7.8.1987 and therefore the appellants/plaintiffs would have sought for declaration of title within three years as provided in Article 58 of the Limitation Act. This Article is the residuary Article so far as the suits for declaration are concerned. Since both the parties assert possession over the suit lands the trial Court is required to adjudicate on this issue on full dress trial. The proposed amendment is based on subsequent events. The ordinary rule of civil law is that the rights of the parties stand crystallized on the date of institution of the suit and therefore the decree in a suit should accord with the rights of the parties as they stood at the commencement of the lis. However, the Court has power to take note of subsequent events and mould the relief accordingly subject to the following conditions being satisfied (i) that the relief, as claimed originally has, by reason of subsequent events, become inappropriate or cannot be granted; (ii) that taking note of such subsequent event or changed circumstances would shorten litigation and enable complete justice being done to the parties; and (iii) that such subsequent event is brought to the notice of the Court promptly and in accordance with the rules of procedural law so that the opposite party is not taken by surprise. It is the contention of the appellants/plaintiffs that the right of the respondents/defendants to claim possession of the lands from them stood extinguished by 12-9-2002. What they mean to say is that the respondents/defendants having claimed the property under registered sale deeds dated 12-9-1990 did not chose to initiate legal proceedings against them for recovery of possession for a period of 12 years which expired on 12.9.2002 and therefore the rights of the respondents/defendants, if any, stood extinguished.

11. The point for determination is whether the subsequent event pleaded by the appellants/plaintiffs gives cause of action to them to file the amendment petition seeking the relief of declaration of their title. Ordinary rule of civil law is that the rights of the parties stand crystallized on the dates of institution of suits, therefore the decree in a suit should accord with the rights of the parties as they stood at the commencement of the lis. However, the Court has power to take note of subsequent events and mould the relief accordingly subject to the following conditions being satisfied: (i) that the relief, as claimed originally has, by reason of subsequent events, become inappropriate or cannot be granted; (ii) that taking note of such subsequent event or changed circumstances would shorten litigation and enable complete justice being done to the parties; and (iii) that such subsequent event is brought to the notice of the Court promptly and in accordance with the rules of procedural law so that the opposite party is not taken by surprise. Vide decision of the Supreme Court in the (3) cited i.e., Om Prakash Gupta's case. The subsequent event pleaded by the appellants/plaintiffs is the inaction of the respondents/defendants in not taking legal recourse to recover possession of the suit lands from the date of the sale deed i.e., 12.9.2000 to 12.9.2002. Does the inaction of the respondents/ defendants in any

way effects the relief claimed by the appellants/plaintiffs? The answer definitely is in the negative. So far as granting relief to the appellants/plaintiffs as claimed by them in the plaint does not depend on the subsequent event. It is not the case of the appellants/plaintiffs that the subsequent event made the relief claimed by them in the suit inappropriate. When the subsequent event has no effect in granting the relief claimed by the appellants/plaintiffs in the suit, the question of moulding the relief basing on the subsequent event does not arise. Therefore, the plea put forth by the appellants/ plaintiffs that the subsequent event i.e., inaction of the respondents/defendants in not taking any legal recourse for declaration of their title and recovery of possession from them even after the lapse of 12 years of the registered sale deeds on which they relied, entitle them to mould the relief does not stand to reason. Therefore, the amendment petition filed by the appellants/ plaintiffs seeking the relief of declaration of title basing on the subsequent event in the circumstances of the case is not maintainable.

12. In the result, this Civil Revision Petition fails and it is hereby dismissed confirming the order dated 6-3-2003 passed in IA No. 201 of 2003 in OSNo. 150 of 1996 on the file of Junior Civil Judge, Medchal, Ranga Reddy District. No costs.