

(2008) 06 AP CK 0018
In the Andhra Pradesh High Court
Case No : C.R.P. No. 1619 of 2008

Manda Yadaiah and Others

APPELLANT

Vs

Thoomukumtla Karunakar Reddy and Others

RESPONDENT

Date of Decision : 09-06-2008

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17, Order 6 Rule 2

Citation : AIR 2008 AP 251

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : D.V. Chalapathi Rao, for the Appellant; Raghuveer Reddy, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The respondents filed O.S No. 17 of 2006 in the Court of Senior Civil Judge, Jangaon, against the petitioners for recovery of possession of the suit schedule property. According to them, their predecessor in title, by name, Somi Reddy, was the absolute owner, and after his death, they have succeeded to his interests. The petitioners, on the other hand, pleaded that they purchased the suit schedule property from Somi Reddy, and thereby, acquired title. The trial of the suit commenced, and it is at the stage of arguments. Petitioners filed LA. No. 74 of 2008, under Order VI, Rule 17, CPC to permit them to amend the written statement. The purport of the amendment was, to supplement the details of the acquisition of their title through Somi Reddy. Through its order dated 26-3-2008, the Trial Court dismissed the LA. Hence, this CRP.

2. Sri D.V. Chalapathi Rao, learned Counsel for the petitioners, submits that the necessity for his clients to file the LA. had arisen, on account of the fact that the respondents pleaded fraud on the part of the petitioners, in getting the mutation of entries in the revenue records. He contends that neither any inconsistent, nor any new plea was sought to be raised through amendment, and no prejudice

would have resulted to the respondents, in case the LA. was allowed. He places reliance upon the judgment of the Supreme Court in Baldev Singh and Others Etc. Vs. Manohar Singh and Another Etc., and Usha Balashaheb Swami and Others Vs. Kiran Appaso Swami and Others, .

3. Sri K. Raghuvver Reddy, learned Counsel for the respondents, on the other hand, submits that the LA. was filed at the final stage of the suit, with the only objective of protracting the litigation. He contends that when the main plea, as to the alleged transfer of the suit schedule property from Sami Reddy, was taken in the written statement, there was absolutely no necessity to supplement the details thereof, by way of amendment.

4. The respondents approached the trial Court for a decree, to enable them to recover the suit schedule property. While the respondents pleaded that they acquired the rights to the suit schedule properly, by way of succession, from late Somi Reddy, the petitioners took the plea that they have purchased this very property from the same person, i.e. Somi Reddy. The trial of the suit commenced, and the recording of the evidence was closed. At the stage of arguments, the petitioners filed the LA. to permit them to amend the written statement.

5. It is no doubt true that, in the judgments relied upon by the petitioners, the Supreme Court held that a liberal approach should be adopted for according permission to amend the pleadings, particularly of the written statements. It was also pointed out that even inconsistent pleas can be permitted to be raised through amendment of written statement. Reference was also made to the changes brought about in the CPC through Act 22 of 2002.

6. In the instant case, neither any inconsistent plea was raised by the petitioners, nor any new plea was sought to be added. Their principal contention, viz. that they have purchased the suit schedule properly from late Somi Reddy, the predecessor in title of the respondents, was already taken in the written statement. Once the said plea was taken, hardly there existed any need for the petitioners to supplement the details through oral or documentary evidence.

Rule 2 of Order VI mandates that the pleadings must be concise, brief, and to the point. It also directs that the matters that constitute the evidence, must not be incorporated in the pleadings. When the requirement under law is that the pleadings must be concise, the petitioners cannot be permitted to elaborate a defence, which was already taken in the written statement. The mere fact that no prejudice would be caused to the respondents, in case the amendment is permitted; cannot be treated as a basis. Irrespective of the prejudice or benefit that may accrue to the parties, the Courts are under obligation to maintain the sanctity of the pleadings, in terms of Rule 2 of Order VI. It would have been an altogether different matter, had the petitioners come forward with any new plea. Addition of details to an existing plea, would only lead to verbosity of pleadings, and protract the litigation. The stage of which the present application is filed,

assumes importance. At any rate, the petitioners are not able to convince this Court, as to the prejudice to which they would suffer, in case the amendment is not ordered.

7. For the foregoing reasons, the CRP is dismissed. There shall be no order as to costs.