

IN THE HIGH COURT OF ANDHRA PRADESH:: AMARAVATHI

HON'BLE SRI JUSTICE NINALA JAYASURYA

CIVIL REVISION PETITION No.3240 OF 2023

Putta Krishna Rao

... Petitioner

Versus

Paruchuru Venkateswarlu

..... Respondent

Counsel for the petitioner : Mr.Kambhampati Ramesh Babu

Counsel for the respondent : --

ORDER:

The present Civil Revision Petition is filed aggrieved by the Order dated 10.05.2023 in I.A.No.665 of 2018 in O.S.No.1008 of 2009 on the file of the Court of Principal Junior Civil Judge, Nellore.

2. Heard learned counsel for the petitioner.

3. The petitioner herein is the defendant in the said Suit, which was decreed on 25.08.2011. The respondent/plaintiff filed the said I.A., under Section 152 of Civil Procedure Code seeking to amend the plaint schedule by adding the Door numbers and other details in respect of Item Nos.1 and 2. The said application was opposed by the petitioner/defendant and the same was allowed, against which the present Revision Petition is filed.

4. The learned counsel for the petitioner *inter alia* submits that the Court below erred in allowing the application filed under Section

152 of Code of Civil Procedure, which is not maintainable. He submits that the amendment proposed was neither for correction of clerical or arithmetical mistakes in the judgment or decree nor for correction of errors arising therein from any accidental slip or omission. He submits that it is not the case of the plaintiff that an arithmetical mistake or error had crept in which can be corrected by the Court and the omission on the part of the respondent/plaintiff in giving the details in the plaint schedule cannot be rectified by invoking the said provision of Law. Making the said submissions, the learned counsel seeks to set aside the Order under challenge as the same is not sustainable.

5. This Court has considered the submissions made and perused the material on record. As seen from the counter-affidavit filed in the I.A., it would appear that the petitioner/defendant opposed the application on the premise that as the Second Appeal against the judgment and decree in the above referred suit is pending, the relief sought for cannot be appreciated. The learned Executing Court while considering the matter, allowed the application by recording a finding to the effect that it is not the case of the petitioner/defendant that by virtue of the proposed amendment, the very identity of the property would differ. Referring to the certified copy of Sale Deed dated

20.07.1989, the learned Executing Court recorded a categorical finding that the boundaries shown in the plaint schedule also tallies with the Sale Deed. In such circumstances, more particularly as the location of the suit schedule property is within particulars shown in the proposed amendment, which is not disputed, the application was allowed.

6. This Court on an appreciation of the matter, see no reason to interfere with the order of the learned Executing Court in exercise of powers of this Court under Article 227 of the Constitution of India, as the same does not suffer from any perversity, in the facts and circumstances of the case.

7. In the aforesaid view of the matter, the Civil Revision Petition is dismissed. No order as to costs. Consequently, miscellaneous applications, pending if any, shall stand closed.

NINALA JAYASURYA, J

Date: 18.12.2023
BLV

HON'BLE SRI JUSTICE NINALA JAYASURYA

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Dt: 18.12.2023

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