



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

[3331]

FRIDAY, THE 17th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 363/2023

Between:

1. SURLA ADILAKSHMI, W/O. LATE ASIRIAPPADU, HINDU, AGED ABOUT 59 YEARS, OCC HOUSEHOLD DUTIES, R/O. MAIN ROAD, CHILAKAPALEM VILLAGE, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.
2. SURLA VENKATA RAMANA,, S/O. LATE ASIRAPPADU, HINDU, AGED ABOUT 31 YEARS, R/O. MAIN ROAD, CHILAKAPALEM VILLAGE, ETCHERLA MANDAL, SRIKAKULAM DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE DISTRICT COLLECTOR, SRIKAKULAM.
2. THE REVENUE DIVISIONAL OFFICER, SRIKAKULAM
3. THE TAHSILDAR, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.
4. MUNI SANYASI, (DIED).
5. KURUPATI VISHNU, S/O. LATE GANGARAJU, HINDU, AGED ABOUT 63 YEARS, R/O. H NO 164/2, KAMARSHIPETA, ALLINAGARAM PANCHAYAT, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.
6. MUNI MAHALAXMI, W/O. LATE SANYASI, HINDU, AGED ABOUT 55 YEARS, OCC CULTIVATION, R/O. H NO 165/3 PARVATHAMMAPETA, CHILAKAPALEM, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.

7. MUNI ADINARAYANA, , S/O. LATE SANYASI, HINDU, AGED ABOUT 39 YEARS, OCC CULTIVATION, R/O. H NO 164-3 PARVATHAMMAPETA, CHILAKAPALEM, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.
8. MUNI MURALI, , S/O. LATE SANYASI, HINDU, AGED ABOUT 33 YEARS, OCC CULTIVATION, R/O. H NO 164-5, PARVATHAMMAPETA, CHILAKAPALEM, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.
9. MUNI CHINNA RAO, , S/O. LATE SANYASI, HINDU, AGED ABOUT 30 YEARS, OCC CULTIVATION, R/O. H NO 1-65/2, PARVATHAMMAPETA, CHILAKAPALEM, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.
10. GADU SANYASAMMA, , W/O., LATE PYDINAIDU, D/O. LATE SANYASI, HINDU, AGED ABOUT 37 YEARS, R/O. H NO 164/2, GADUPETA VILLAGE, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.
11. AVANAPU MANGAMMA, , W/O. LATE APPALARAJU, D/O. LATE MUNI SANYASI, HINDU, AGED 31 YEARS, OCC CULTIVATION, R/O. H NO 164-3, CHILAKAPALEM VILLAGE, ETCHERLA MANDAL, SRIKAKULAM DISTRICT.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the order and decree made in I.A. No. 448 of 2022 in O.S. No. 232 of 2015, dated 28.12.2022, on the file of the Court of the Additional Senior Civil Judge at Srikakulam and allow the Civil Revision Petition and pass

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 grant interim stay of all further proceedings in O.S. No. 232 of 2015, on the file of the Court of the Additional Senior Civil Judge at Srikakulam, pending the disposal of the above Civil Revision Petition, and pass

Counsel for the Petitioner(S):

1.D V V S S N H BHUJANGA RAO

Counsel for the Respondent(S):

1.UMASANKAR LOKANADHAM

2.

The Court made the following:

::ORDER ::

The plaintiffs in the suit filed the above revision petition assailing the order dated 28.12.2022 passed in I.A.No.448 of 2022 in O.S.No.232 of 2015 on the file of the learned Additional Senior Civil Judge, Srikakulam.

2. Heard Sri D.V.V.S.S.N.H. Bhujanga Rao, learned counsel for the petitioner and Sri Uma Sankar Lokanadham, learned counsel appearing for respondents 6 to 11.

3. The plaintiffs filed a suit in O.S.No.232 of 2015 against the defendants for declaration of title; to declare the documents of D4 are null and void and unenforceable and for permanent injunction. In the plaint, it was pleaded that the plaintiffs are the absolute owners of the landed property. Originally, one Surala Jangalu was the pre-propositor of the property, and it is self-acquired property. Sri Jangalu died intestate, leaving behind his son by name Asirappadu. The revenue officials i.e. D1 to D3 updated the Record of Rights. Sri Jangalu died in 2005 intestate, leaving behind him the plaintiffs. The plaintiffs intimated the respondent No.3 to update their names in the revenue records and for issuance of passbook and title deed.

(a) Be that as it may, the National Highway Authority acquired a part of the land for laying a highway road. Out of Ac.0.30 cents in Sy.No.150/11, Ac.0.07 cents was acquired, and the compensation was paid to the plaintiffs. The 3rd defendant, with the assistance of D4 and D5, tampered with the revenue records, the passbook and title deed. After acquisition of property in

Sy.No.150/11, a sub-division was provided as Sy.No.150/11A. Hence, the suit was filed for the reliefs referred to *supra*.

4. The 4th defendant filed a written statement and contended that the plaint schedule property is the ancestral property. The Government issued a Passbook and Title Deed for an extent of Ac.0.23 cents in Sy.No.150/11B. He filed a suit in O.S.No.374 of 2013 against the plaintiffs seeking permanent injunction. He also filed an application seeking temporary injunction. Initially, a temporary injunction was granted. The defendants in the suit filed an appeal *vide* C.M.A.No.19 of 2015. Pending the C.M.A., the plaintiffs filed the present suit for declaration. However, the survey number was mentioned as No.150/11A, and in fact, the Sy.No.150/11A does not belong to the plaintiffs. Except for the survey number, the plaint schedule property in O.S.No.374 of 2013 and the schedule property in O.S.No.232 of 2015 are the same. The Sy.No.150/11A was acquired by the Government for National Highway-5 road. The defendant claimed absolute owner of the property in Sy.No.150/11B.

(a) The trial in the suit was commenced. PWs.1 to 3 were examined. At that juncture, the plaintiffs filed I.A.No.448 of 2022 under Order VI Rule 17 and R(28) of C.R.P., to amend the survey number in the schedule property as Sy.No.150/11B instead of Sy.No.150/11A. Along with the application, the plaintiffs also filed necessary documents. In the affidavit, it was pleaded that mentioning of Sy.No.150/11A is a typographical mistake. The defendants 6 to 9 filed counter and opposed the application. The trial Court, by order dated 20.12.2022, dismissed the application.

5. Learned counsel for the petitioner would submit that the trial Court failed to consider the material aspects and dismissed the application. He would also submit that neither the cause of action nor the relief would be changed by the proposed amendment.

6. Learned counsel appearing for the respondents would submit that the trial Court, by considering all those aspects, dismissed the application.

7. The point for consideration is:

“Whether the order dated 28.12.2022 passed in I.A.No.448 of 2022 in O.S.No.232 of 2015 on the file of the learned Additional Senior Civil Judge, Srikakulam, suffers from any illegality, warranting interference?”

8. The facts referred to supra need no reiteration. It is a settled principle of law that an amendment can be allowed if it satisfies two conditions: (a) of not work injustice to the other side, and (b) of being necessary for the purpose of determining the real questions in controversy between the parties. The Court must not refuse bona fide, legitimate, honest and necessary amendments and should never permit mala fide and dishonest amendments. The purpose and object of Order VI Rule 17 of the Code is to allow either party to alter or amend his pleadings in such manner and on such terms as may be just. However, an amendment cannot be claimed as a matter of right. Of course, in all circumstances, the courts, while deciding such prayers, should not adopt a hyper-technical approach. A liberal approach should be the general rule, particularly in cases where the other side can be compensated with costs.

9. The Hon’ble Apex Court in **Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd**¹, after considering numerous precedents concerning the amendment of pleadings, culled out certain principles:—

(i) All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word “shall”, in the latter part of Order VI Rule 17 of the CPC.

(ii) In the following scenario such applications should be ordinarily allowed if the amendment is for effective and proper adjudication of the controversy between the parties to avoid multiplicity of proceedings, provided it does not result in injustice to the other side.

(iii) Amendments, while generally should be allowed, the same should be disallowed if –

¹ (2022) 16 SCC 1 : 2022 SCC OnLine SC 1128

- (a) By the amendment, the parties seeking amendment does not seek to withdraw any clear admission made by the party which confers a right on the other side.*
- (b) The amendment does not raise a time-barred claim, resulting in the divesting of the other side of a valuable accrued right (in certain situations)*
- (c) The amendment completely changes the nature of the suit;*
- (d) The prayer for amendment is mala fide,*
- (e) By the amendment, the other side should not lose a valid defence.*
- (iv) Some general principles to be kept in mind are -*
 - (I) The court should avoid a hyper-technical approach; ordinarily be liberal, especially when the opposite party can be compensated by costs.*
 - (II) Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint or introduce an additional or a new approach.*
 - (III) The amendment should not change the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint.”*

10. In the case at hand, the plaintiff is claiming the title to the extent of Ac.0.23 cents in Sy.No.150/11A of Chilakapalem Village, Etcherla Mandal, Srikakulam District. The 4th defendant filed a written statement and contended that he filed a suit in O.S.No.374 of 2013 against the plaintiffs seeking permanent injunction in respect of the same property. In the suit, the survey number was mentioned as No.150/11B. Thus, there is no dispute regarding the identity of the property by the parties except for the survey number.

11. The learned Single Judge of the composite High Court in **The Estate of Sri R. Krishna etc. v. K. Janakiram and another**² held that in a case where there is a conflict between the survey number and the boundaries, the boundaries prevail. In the case at hand, the trial Court was swayed away by the depositions of the plaintiffs. The trial Court failed to consider the settled principle of law as well as the principles relating to the amendment as noted in *Life Insurance Corporation of India's case*.

² 1993 Supp1 ALT 338

12. The trial Court, in the considered opinion of this Court, failed to exercise the jurisdiction vested in it. If the order under revision is allowed to continue, it would result in a travesty of justice. Therefore, the order under revision brooks interference of this Court.

13. Given the facts and circumstances of the case, the Civil Revision Petition is allowed. The order dated 28.12.2022 passed in I.A.No.448 of 2022 in O.S.No.232 of 2015 on the file of the learned Additional Senior Civil Judge, Srikakulam is hereby set aside. I.A.No.448 of 2022 stands allowed on payment of Rs.5,000/- payable to defendants 6 to 11 in the suit, within two weeks from the date of receipt of the copy of the order. On making such payment, the defendants 6 to 11 shall file a memo before the trial Court. If the defendants 6 to 11 decline to receive the costs, the revision petitioners shall deposit the costs before the Mandal Legal Services Committee, Etcherla and file a memo before the trial Court.

The revision petitioners shall file an amended copy of the affidavit before the trial Court within the time stipulated as per Order VI Rule 18 CPC, from the date of receipt of the copy of the order.

Since the suit is of the year 2015, the learned trial Court shall expedite the trial, in view of the circular issued by this Court *vide* R.O.C.No.560/OP/CELL/2022, dated 23.11.2022 and dispose of the same as expeditiously as possible, strictly in accordance with law. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 17.07.2026
TVN

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION No.363 OF 2023

Date: 17.07.2026
TVN