

Date of reserved for orders:

Date of pronouncement :29.06.2026

Date of uploading :16.07.2026

APHC010348622025



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

[3331]

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NOS: 1665/2025 & 1666/2025

Between:

1. SANKURU VENU, S/O. YESU @ LAKSHMAIAH, CHRISTIAN, AGED ABOUT 52 YEARS, R/O. D. NO. 2-146, NEAR LUTHERAN CHURCH, UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

1. BURADAGUNTA VENUGOPAL, S/O. YESURATNAAM @ KOTAIAH, CHRISITAN, AGED ABOUT 80 YEARS, R/O. NORTH HEAVEN, USA HAVING THEIR PROPERTIES AND PRESENTLY RESIDING AT D.NO. 3-146, NEAR LUTHERAN CHURCH, GUNTUR DISTRICT, ANDHRA PRADESH.
2. SANKURU PRASAD, S/O. YESU @LAKSHMAIAH, AGED ABOUT 62 YEARS, R/O. D.NO. 2-146, NEAR LUTHERAN CHURCH, UNDAVALLI VILLAGE TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.
3. SANKURU RAJA SEKHAR, S/O. PRASAD @ RAJENDRA PRASAD, AGED ABOUT 34 YEARS, R/O. D.NO. 2-146, NEAR LUTHERAN CHURCH, UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.
4. UNDRU JONES JOSEPH, S/O. PRAKASAM, AGED ABOUT 53 YEARS, R/O. D.NO. 2-146, NEAR LUTHERAN CHURCH

UNDAVALLI VILLAGE, TADEPALLI MANDAL, UNTUR DISTRICT, ANDHRA PRADESH.

5. THE COMMISSIONER, APCRDA, LENIN CENTER, BESIDE APSARA THEATRE, GOVERNORPET, VIJAYAWADA - 520002, KRISHNA DISTRICT, ANDHRA PRADESH
6. SANKURU NAVARATNAM DIED, W/O. LATE YESU @ LAKSHMAIAH, AGED ABOUT 80 YEARS, R/O. D.NO. 3-312, HARIJANWADA, UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.
7. GUNTATHOTI VIJAYA KUMAR, W/O. BALA SWAMY, D/O. SANKURU YESU @ LAKSHMAIAH, AGED ABOUT 60 YEARS, R/O. GUNTATHOTI YESURATNAM, NEAR LUTHERAN CHURCH, UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.
8. SANKURU ASHOK KUMAR, S/O. YESU @ LAKSHMAIAH, AGED ABOUT 57 YEARS, R/O. D.NO. 2-146, UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.
9. MUNDRU SUJATHA, W/O. JONES @ JOSEPH, D/O. SANKURU YESU @ LAKSHMAIAH, AGED ABOUT 49 YEARS, R/O. D.NO. 2-146 UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADEESH.
10. THE TAHSIIDAR, OFFICE OF THE MANDAL REVENUE OFFICER, TADEPALLI VILLAGE AND MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.

...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 be pleased to allow the C.R.P. and set aside the Order and Decree dated 02.04.2025 of the Honble II Addl. District Judge, Guntur in I.A. No. 1133 of 2024 in O.S. No. 600 of 2015 and pass such

IA NO: 1 OF 2025

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

may be pleased to stay all further proceedings in O.S. No. 600 of 2015 on the file of the Hon'ble II Addl. District Judge, Guntur and pass

Counsel for the Petitioner:

1.DODDALA PRUDHVI TEJA

Counsel for the Respondent(S):

1.S PRANATHI

2.BALAIHA MANCHIKALAPUDI

The Court made the following common order:

Heard Sri D.Prudhvi Teja, learned counsel for the petitioner, Sri K.Ravi, learned Senior counsel assisted by Sri Balaiah Manchikalapudi, learned counsel for the 1st respondent and Smt. S.Pranathi, learned Standing Counsel for the 5th respondent.

2. Since the issues in the two civil revision petitions are interconnected, arising out of two interlocutory applications by way of separate orders, this court deems it appropriate to dispose of the same by a common order.

3. C.R.P.No.1665 of 2025 was filed by the 1st defendant in the suit against the order dated 02.04.2025 in I.A.No.1133 of 2024 in O.S.No.600 of 2015 on the file of the II Additional District Judge, Guntur.

4. C.R.P.No.1666 of 2025 was filed by the 1st defendant in the suit against the order dated 02.04.2025 in I.A.No.1132 of 2024 in O.S.No.600 of 2015 on the file of the II Additional District Judge, Guntur.

5. The plaintiff in the suit filed I.A.No.1332 of 2024 under Order I Rule 10 r/w Section 151 C.P.C. seeking to implead the proposed parties as the defendants 6 to 10 to the suit.

6. The plaintiff also filed I.A.No.1333 of 2024 under Order VI Rule 17 r/w Section 151 C.P.C. and Rule 28 of Civil Rules of Practice to amend the plaint

by inserting additional pleadings in paragraphs 5, 9 to 12 and in the relief portion.

7. The parties to the revision are referred to as per their status in the suit.

8. The plaintiff filed O.S.No.600 of 2015 initially against the defendants 1 to 4 seeking a declaration of title, possession of the plaint schedule property and consequential permanent injunction. The plaintiff is the brother-in-law of the late Sri Sankuru Yesu, the father of defendants 1 and 2. Sri Sankuru Yesu, the father of the defendants 1 and 2, was allotted Ac. 0.98 cents of land about three decades ago. An agreement of sale was executed by Sri Sankuru Yesu in favour of the plaintiff on 06.07.1979. The plaintiff paid a certain amount even before the contract, and the balance on the date of the agreement. Later, the document was registered on 29.07.2003. Ever since, the plaintiff has been in possession and enjoyment of the scheduled property. The plaintiff was not aware that the suit land is an assigned land. The 1st defendant and others invented a theory of grabbing the property. The plaintiff has been seeking a pattadar passbook and title deeds from the revenue authorities. Hence, the suit for relief mentioned *supra*.

9. The 1st defendant filed the written statement and contended, *inter alia*, that the plaintiff was never in possession of the plaint schedule property. An extent of Ac.0.98 cents in Sy.No.197-2J and Ac.0.51 cents in Sy.No.210-1B9 of Undavalli Village, totalling Ac.1.49 cents, was assigned to Sri Sankuru Yesu, S/o. Singaiah, by the then Tahsildar, Mangalagiri, under Form-D patta dated 25.03.1978. The transaction, if any, is hit by Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. Sri Sankuru Yesu, father of defendants 1 and 2, never sold the property to anyone, including the plaintiff, and he cultivated the same during his lifetime. After his death, the property was devolved upon his wife, Smt. Navaratnam and the defendants 1 and 2. They were in joint possession and enjoyment of the same. The plaintiff, the maternal uncle of defendants 1 and 2 and residing in

the United States of America, used to make promises for the uplifting of defendants 1 and 2. He promised to take the 1st defendant to the United States of America, and as security, asked them to deposit the original patta with him. Believing his representations, the mother of the defendants 1 and 2 deposited the same with the plaintiff. When they asked to return the patta, he postponed the same on one pretext or another. The defendants came to know about the sale deed bearing Document No.4355 of 2003 dated 29.07.2003 and verified the same. The survey number was wrongly mentioned, and the suit is barred by limitation. Eventually, they prayed to dismiss the suit.

10. Pending the suit, the plaintiff filed two interlocutory applications being I.A.Nos.1132 and 1133 of 2024 for the reliefs stated *supra*.

11. In the affidavit filed in support of the applications, it was pleaded that, after engaging another counsel, the plaintiff came to know that certain facts were not pleaded initially and the suit was coming up for trial. The proposed 6th defendant received the monetary benefits in respect of the plaint schedule property in the land pooling scheme.

12. The 1st respondent/1st defendant filed a counter-affidavit opposing the applications, contending, *inter alia*, that, by way of an amendment, the plaintiff is introducing an entirely new case. No amendment can be permitted after the trial has been commenced. The application was filed when the suit was coming up for the cross-examination of D.W.1., the claim was barred by limitation.

13. The trial Court, by order dated 02.04.2025, allowed the applications on payment of costs.

14. **The point for consideration is:**

Whether the orders dated 02.04.2025 in I.A.Nos.1132 and 1133 of 2024 in O.S.No.600 of 2015 suffer from any illegality?

15. Shorn of all details, the plaintiff filed the suit for declaration, possession and consequential injunction, asserting title to the property by virtue of a registered document dated 29.07.2003 executed by Sri Sankuru Yesu, the father of defendants 1 and 2. The defendants, in their written statement, contended that the document is hit by Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, that the suit is barred by limitation and also denied the execution of the document by their father. The main suit is coming up for cross-examination of D.W.1. At that stage, the plaintiff filed two interlocutory applications, seeking amendment of the plaint and an application to implead the proposed parties as defendants.

16. The trial Court allowed the applications on payment of costs of Rs.1,000/- payable to the respondents 1 to 4 and 7 to 9. No doubt, there was some delay in filing the applications. The trial Court considered all these aspects and imposed costs of Rs.1,000/-, in each interlocutory application, and the same was received by the counsel.

17. 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.

18. The Hon'ble Apex Court in ***Life Insurance Corporation of India Vs. 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 -

(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 *malafide*,

(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."

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

19. Normally, whenever an amendment petition is allowed, it relates to the date of filing of the suit. However, the doctrine of relation back in the context of amendment of pleadings is not of universal application and in appropriate cases, the Court can declare that the amendment shall not relate back to the date of the suit and it shall be deemed to have been brought before the court on the date on which the application seeking amendment was filed or the date of the order. In ***Sampath Kumar Vs Ayyakannu***², the trial Court opined that the amendments to the plaint are necessary to avoid multiplicity of the proceedings and to arrive at a just conclusion in the suit, and that neither the nature of the suit nor the cause of action would be changed.

20. The trial Court also recorded reasons to allow the application seeking impleadment of the proposed parties.

21. Since the trial Court exercised jurisdiction vested in it and allowed the applications on payment of costs, this Court does not find any illegality in the orders under revision. However, since the amendment application was filed at a belated stage i.e., about nine years after the filing of the suit, and after the closure of the hearing of the plaintiff, given the pleas of the parties, it would be appropriate that the order shall operate from the date of filing of the interlocutory applications. The trial Court, if necessary, shall frame the necessary issues in this regard.

22. Given the facts and circumstances, this Court doesn't find any illegality in the orders under revision. However, the orders under revision shall operate from the date of filing of the interlocutory applications. The trial Court shall frame an issue, if necessary, regarding the limitation and deal with the same in accordance with law.

23. Accordingly, the civil revision petitions are disposed of. There shall be no order as to costs.

² (2002) 7 SCC 559

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

JUSTICE SUBBA REDDY SATTI

Dated: 29.06.2026

SNI

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 Nos.1665 and 1666 of 2025

Dated: 29.06.2026
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