

APHC010417732025



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

[3332]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2067/2025

Between:

1. Done Venkata Srinivasa Rao @ Srinivasa Rao, S/O Suryaprakasa Rao,
Aged About 44 Years, Properties, R/O Yarrabalem Village, Mangalagiri
Mandal, Guntur District.

...PETITIONER

AND

1. Done Nagaveni, W/o Done Venkata Srinivasa Rao, Aged About 35
Years, R/O D.No.1-329-10, Chintaguntapalem, Machilipatnam, Krishna
Dist.

...RESPONDENT

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 The above named Petitioner begs to present this Memorandum of Civil Revision Petition having been aggrieved by the Order dated 23-06-2025 passed in I.A.No.368 of 2025 in G.W.O.P.No.9 of 2024, on the file of Principal District Judge, Krishna, Machilipatnam for the following grounds among other

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 to grant stay of all further proceedings in G.W.O.P.No.9 of 2024 on the file of Principal District Krishna, Machilipatnam pending disposal of the main C.R.P Judge, and pass

Counsel for the Petitioner:

1.N A RAMACHANDRA MURTHY

Counsel for the Respondent:

1.SAI GANGADHAR CHAMARTY

The Court made the following order:

This Civil Revision Petition is filed questioning the legality and correctness of the order dated 23.06.2025 passed in I.A.No.368 of 2025 in G.W.O.P.No.9/2024 by the learned Principal District Judge, Machilipatnam, Krishna District.

2. The facts that led to filing of this revision are hereunder:

The petitioner herein filed G.W.O.P.No.9 of 2024 against the respondent herein under Sections 7 & 10 of the Guardian & Wards Act r/w Section 8(5) of the Hindu Minority and Guardianship act duly praying the court to appoint the petitioner as guardian of Minor by name Done Donndi Satya Veeraraju and to grant permission for taking custody of the minor from the respondent. In the said petition, the petitioner filed I.A.No.368/2025 under Order 6 Rule 17 of CPC with a prayer to permit him to delete the averments in para No.1 from 6th line to end of the para and para No.2 and to insert new paras in that place described and permit him for consequential amendments. The said application was opposed by the respondent by way of filing a counter. After hearing the parties, the court below has dismissed the said application under its order dated 23.06.2025 on the ground that petition relating to matrimonial disputes, amendments of pleadings at the fag end of

the proceedings is not allowed, which changes the entire structure of the framing of the petition. Aggrieved by the said order, the present civil revision petition came to be filed.

3. Heard Sri N.A.Ramachandra Murthy, learned counsel for the petitioner and Sri Sai Gangadhar Chamorthy, learned counsel for the respondent.

4. Learned counsel for the petitioner in elaboration to what has been stated in the grounds of the revision and the contents of the affidavit filed before the court below contended that, while drafting the O.P., certain averments which are not true, were mentioned by mistake, as such, the petitioner wants to withdraw the said averments and made an application for amendment of pleadings but the court below has erroneously dismissed the said application on the ground that amendments of pleadings at the fag end of the proceedings is not allowed, which changes the entire structure of the framing of the petition. He further submitted that, the court below failed to see that the amendment of pleadings can be allowed at any stage before pronouncement of the judgment, if the parties prove due diligence. He further submitted that, no prejudice will be caused to respondent if the said amendments are allowed and that it would not change the nature of the petition. The court below failed to see the purport of Order VI rule 17 in a right perspective and has erroneously dismissed the application causing irreparable loss and hardship to the petitioner. Accordingly prayed to allow the revision petition.

5. Learned counsel for the respondent while reiterating the contents of the counter affidavit filed before the court below submitted that, the averments sought to be withdrawn amounts to withdrawal of a categorical admission, which is not permissible in law. Even otherwise, cross-examination of the petitioner was also completed, as such, the court below has rightly dismissed the said application and accordingly, prayed to dismiss the revision petition.

6. Perused the record and considered the submissions of both the learned counsel.

7. As could be seen from the facts and circumstances of the case and the material available on record, the petitioner filed G.W.O.P.No.9 of 2024 wherein it was averred that at the time of marriage, the parents of the respondent given an amount of Rs.50,000/- cash towards dowry and presented gold ring worth about Rs.20,000/- to the petitioner and gave Rs.15,000/- towards adapaduchu lanchanams. It is submitted that the petitioner is doing real estate business and that the parents of respondent performed the marriage of the respondent with a fond hope that the respondent will lead moderate life with the company of the petitioner. Now, by virtue of I.A.No.368/2025, the petitioner wants to amend the said averments and para no.2 claiming those averments to be false.

8. The said application was dismissed by the court below on the ground that in a petition relating to matrimonial disputes, amendment of pleadings is not allowed at the fag end of the proceedings, which changes the entire

structure of the framing of the petition. Assailing the same, the present civil revision petition is filed.

9. It is well settled that, either in a written statement or in a petition, if any admission is made, it cannot be withdrawn. Under Order VI Rule 17 of the CPC, amendment of pleadings is generally allowed to determine the real controversy, but cannot be permitted if it introduces a new cause of action, changes the suit's nature, is mala fide, or occurs after the trial starts without proving due diligence. It is further settled that all amendments ought to be allowed which satisfy the two conditions (a) of not working injustice to the other side and (b) of being necessary for the purpose of determining the real questions in controversy between the parties. Amendments, that withdraw admissions or bypass res judicata, are typically rejected and they are barred after the trial has begun (i.e., evidence/cross-examination has started) unless the court finds it couldn't have been raised earlier with due diligence. While courts are usually liberal with amendments before trial, they must ensure they are necessary for justice and do not cause "irreparable loss" to the other side.

10. In the present case, since the amendments that are sought by the petitioner amounts to withdrawal of a categorical admission and causes prejudice to the respondent, which is not permissible, the court below has rightly rejected the application. Therefore, this court finds no illegality or irregularity in the orders passed by the trial court and the same warrants no interference of this court and the revision is liable to be dismissed.

Accordingly, the Civil Revision Petition is ***dismissed***. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

BRS