APHC010446082026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

THURSDAY, THE 1st DAY OF OCTOBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No.2390 of 2026

Between:

1. AMBATI LAKSHMI, W/O. RAMA MOHAN REDDY,AGED ABOUT 57 YEARS,OCCHOUSEWIFE,R/O D. NO.8/188-1, NEW BALAJI COLONY,M.R. PUBLIC ROAD, TIRUPATHI CITY, CHITTOR DISTRICT

...PETITIONER

AND

1. BANKA NARASAMMA, W/O. CHINNAVENKATA REDDY,AGED ABOUT 69 YEARS, OCCHOUSEWIFE,R/O BANKA CHINNAYAPALLI VILLAGE, ANNAVARAM POSTPRODDATURMANDAL, KADAPA DISTRICT 516360.
2. BANKA CHENNAMMA, W/O. PULLA REDDY,AGED ABOUT 64 YEARS, OCC HOUSEWIFE,R/O BANKA CHINNAYAPALLI VILLAGE, ANNAVARAM POSTPRODDATURMANDAL, KADAPA DISTRICT516360.
3. UPPALURU NARAYANAMMA, W/O. SUBBA REDDY,AGED ABOUT 69 YEARS, OCC HOUSEWIFE,R/O BANKA CHINNAYAPALLI VILLAGE, ANNAVARAM POSTPRODDATURMANDAL, KADAPA DISTRICT516360.
4. MS THE PRODDATUR AUTO NAGAR ASSOCIATION, A REGISTERED SOCIETY. REP BY ITS PRESIDENTMOGAL MAHABOOB BAIG, S/O. YAKUBBAIG,AGED ABOUT 54 YEARS,R/O MYDUKUR ROAD, PRODDATUR,KADAPA DISTRICT, ANDHRA PRADESH516360.
5. BANKA SRINIVASULA REDDY, S/O. CHINNAVENKATA REDDY,AGED ABOUT 50 YEARS,R/O H.NO.3, SEVENTH CROSS, ESWAR LAY OUT.SECOND STAGE, INDIRANAGAR, BANGALORE,KARNATAKA STATE 560038.
6. UPPALURU VISWANATHA REDDY, S/O. SUBBA REDDY,AGED ABOUT 53 YEARS,R/O FLAT NO.304, ALIENS

ELITE, PRASANTH NAGAR,MIYAPURMANDAL, HYDERABAD CITY,TELANGANA STATE 500049.

7. PENUBADI BALUDU, S/O. BALAMADDILETI,AGED ABOUT 58 YEARS,R/OLINGAPURAM VILLAGE, KOTHAPALLIPANCHAYATIPRODDATURMANDAL, KADAPA DISTRICT516360.
8. SIGINENI BHASKAR REDDY, S/O. OBULA REDDY,AGED ABOUT 65 YEARS,R/OSAGILIGUDDUPALLI VILLAGE, PRODDATURMANDAL,YSR KADAPA DISTRICT, ANDHRA PRADESH516360.
9. KARAMALAPUTI RAJKUMAR, S/O. SATYANARAYANAAGED ABOUT 54 YEARS,R/O D. NO. 18/338, RANGAIAHGARI STREET,PRODDATUR TOWN, KADAPA DISTRICT516360.
10. KARAMALAPUTI SARATH CHANDRA KUMAR, S/O. SATYANARAYANAAGED ABOUT 44 YEARS,R/O D. NO. 18/338, RANGAIAHGARI STREET,PRODDATUR TOWN, YSR KADAPA DISTRICT516360.
11. BANDA RAMAKRISHNA, S/O. SIVARAMAKRISHNAIAH,AGED ABOUT 64 YEARS,R/O NELLORE CLUB COMPOUND,NELLORE CITY AND DISTRICT, 524001.
12. BANDA KRISHNA KUMAR, S/O. SIVARAMAKRISHNAIAHAGED ABOUT 69 YEARS,R/O NELLORE CLUB COMPOUND,NELLORE CITY AND DISTRICT, 524001.
13. BANKA JAYA PRAKASH REDDY, S/O. PULLA REDDY VENKATA REDDYAGED ABOUT 48 YEARS,R/O NO.289, 1ST FLOOR, 15TH CROSS, 15TH MAIN ROAD,6TH SECTOR, HSR LAYOUT, SOUTH BANGALORE,BANGALORE CITY, KARNATAKA STATE 560102.
14. SINGAMPALLI VAMSI KRISHNA, S/O. BRAMHAMAGED ABOUT 21 YEARS,R/O D. NO.2/18/A, PASALAPUDI VILLAGE,UNDRAJAVARAMMANDAL,WEST GODAVARI DISTRICT 534216.
15. ABDASU VENKATA NAGENDRA MURALI MOHAN, S/O. VENKATARAMANAIAH,AGED ABOUT 45 YEARS,R/O FLAT NO.201, D.BLOCK, ELITE AVENUE APARTMENT,MYDUKURROAD, PRODDATUR, KADAPA DISTRICT516360.
16. SHAIK VALLI, S/O. JAMAL VALLI,AGED ABOUT 32 YEARS,R/O D. NO.9/528,

KHADARABAD,PRODDATURMANDAL, KADAPA DISTRICT516360.

...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 dt.20.07.2026 in I.A. No. 510 of 2026 in O.S. No. 3 of 2017 from the file of the Hon ble II Additional District Judge, Kadapa at Proddatur.

Counsel for the Petitioner:

1. V NITESH

Counsel for the Respondent(S):

1. P V RAGHU RAM
2. LAXMI REDDY BYREDDY

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No.2390 of 2026

ORDER:

The petitioner, who is the plaintiff in O.S.No.03 of 2017 on the file of the II Additional District Judge's Court, Kadapa at Proddatur, initially filed the suit for a declaration of title and consequential for a permanent injunction. The petitioner/plaintiff filed I.A.No.510 of 2026 under Order VI Rule 17, r/w Section 151 C.P.C., and Rule 28 of the Civil Rules of Practice, seeking amendment for recovery of possession and for mandatory injunction to the plaint and related pleadings.

2. This application was dismissed by the trial Court on 20.07.2026, which observing that amendments to pleadings are generally not permitted after the trial has begun. According to Order VI Rule 17 C.P.C., a party seeking an amendment must demonstrate that the issue could not have been raised before the commencement of the trial, despite exercising due diligence. In this case, the trial had already started with the petitioner/plaintiff having undergone part of the cross-examination, and the respondents had indicated through their written statements that the existing physical features, such as a metal road and permanent structures built by respondents Nos.4 and 7, were known to the petitioner/plaintiff, since before the suit was filed. During cross-

examination, the petitioner-plaintiff acknowledged the existence of these structures and confirmed the details as presented in the respondents' written statements, which indicated that the metal road had existed since 1990 and a commercial building had been constructed by respondent No.7 in 2010, before filing of the suit being in the year 2017. This suggests that the physical features and alleged encroachments were well within the knowledge of the petitioner/plaintiff for many years prior to the suit and certainly before the trial began.

3. It was further noted that a party cannot be allowed to amend pleadings simply to negate admissions made during cross-examination or to address shortcomings in their case. The I.A. was dismissed, as it lacked bona fides and failed to satisfy the necessary requirement of due diligence under Order VI Rule 17 C.P.C., and made an attempt to override the admissions in the cross-examination. Additionally, it is observed that the petitioner had previously filed I.A.No.304 of 2026 for the same relief on 09.04.2026, which was not pressed without permission from the Court to file a new petition, thus constituting *res judicata*. Consequently, the Court dismissed the application, stating that the petitioner failed to demonstrate due diligence and that the petition lacks merit.

4. Challenging the order dated 20.07.2026 in I.A.No.510 of 2026 in O.S.No.3 of 2017, the present Civil Revision Petition is filed under Article 227 of the Constitution of India. The petitioner argues that the proposed amendment does not alter the nature of the suit nor the defence already putforth by the respondents, asserting that the respondents will not suffer any loss, if the amendment is granted. Additionally, it is argued that if the amendment is denied, the petitioner will be put to irreparable loss and injury and the ability to present their claim effectively. The petitioner also asserts a willingness to pay the necessary Court fees for possession delivery and seeks to amend the plaint accordingly. Hence, the petitioner requests the Court to allow the Civil Revision Petition and set aside the contested order regarding the amendment.

5. The learned counsel for the petitioner reinforced the contents of the affidavit filed in support of the petition filed under Order VI Rule 17 C.P.C. Additionally, the learned counsel placed reliance of the order in C.R.P.No.2031 of 2022 dated 12.05.2023, where a Co-ordinate Bench allowed an Interlocutory Application filed under Order VI Rule 17 C.P.C., *inter alia* reiterating the proposition laid by the Apex Court in Pankaja and another Vs. Yellapa and others, reported in 2004 SCC

4102, and in **LIC of India Vs. Sanjeev Builders Private Limited**, reported in (2022)16 SCC 1, the Apex Court granted the amendment observing that the amendment should be permitted if it serves the interests of justice and prevents further litigation.

6. Learned designate senior counsel Sri K.S.Gopal Krishnan, assisted by the learned counsel on record for the respondents/ defendants draws the attention of this Court to the written statement filed in the suit, to state few facts for the information of the Court. According to the written statement, it was stated that every allegation of the plaint is denied specifically and the plaintiff suppressed the very existence of physical features and laid the permanent structures after obtaining necessary permissions from the local body and the respondents/defendants are enjoying the said property. In the written statement, despite denying the plaint averments indicating about laying of permanent structures, the petitioner/plaintiff has stated that the respondents/defendants have not filed written statement at the earliest.

7. Now the present application is filed to cover up the lacunae and the admissions made in the cross-examination of P.W.1 and the petitioner has not come up with clean hands and also argued that the petitioner has not stated in the affidavit filed in support of the application

when the property is encroached and when the cause of action arose and relied on the judgments of the Apex Court in the case of **Vidyabai and others Vs. Padmalatha and another** reported in (2009) 2 SCC 409, the Apex Court held that *no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial*. And also relied on the judgment of the Hon'ble Supreme Court in the case of **M.Revanna Vs. Anjanamma (Dead) By Lrs.** (2019) 4 SCC 332, the Supreme Court has categorically and unequivocally held that the requirement of 'due diligence' is not an empty formality but a *sine qua non* for the exercise of jurisdiction under the proviso to Order VI Rule 17 C.P.C. Further held that in the absence of a specific finding demonstrating due diligence on the part of the applicant, the order allowing amendment after commencement of trial cannot withstand judicial scrutiny and is liable to be interfered with, as being contrary to the mandate of law and the amendment is not unfettered but becomes conditioned and circumscribed and the Court is under a legal and mandatory obligation to first arrive at a clear and reasoned satisfaction that despite exercise of due diligence, the party could not have incorporated proposed

pleadings prior to commencement of trial and the explanation offered by the petitioner, by any stretch of legal reasoning, constitute 'due diligence' within the meaning of the proviso. Therefore, prayed to dismiss the present Civil Revision Petition.

8. As seen from the affidavit filed, it is true that there is no pleading about due diligence. Set apart, the respondents / defendants have categorically stated in the affidavit about the possession of the suit schedule property in the written statement.

9. The Apex Court in the case of **A.K. Gupta and Sons Ltd. v. Damodar Valley Corpn.**, reported in 1965 SCC OnLine SC 49 : AIR 1967 SC 96, wherein it has observed as follows:

10. The principal reasons that have led to the rule last mentioned are, first, that the object of Court and Rules of procedure is to decide the rights of the parties and not to punish them for their mistakes.

11. In **Ganesh Trading Co. v. Moji Ram**, reported in (1978) 2 SCC 91, the Supreme Court has observed as follows:

> Procedural law is intended to facilitate and not to obstruct the course of substantive justice. Provisions relating to pleadings in civil cases are meant to give to each side intimation of the case of the other so that it may be met, to enable courts to determine what is really at issue between parties, and to

prevent deviations from the course which litigation on particular causes of action must take.

12. In **L. J. Leach And Company Ltd Vs. Jardine Skinner And Co.,** reported in AIR 1957 SC 357 : 1957 SCC 237, the Supreme Court opined that the justice of the case requires that the amendment should be granted and permitted the plaintiffs to amend the plaint and that it would not mean that Courts are to encourage a recalcitrant and scheming plaintiff to ask for amendment of plaint, even though he had known the truthful position at the time of filing the plaint and files the amendment petition after knowing the entirety of the case of the defendant. The term 'interests of justice' will have to necessarily take within 'its' fold the interests of the defendant also.

13. In the case of **Sampath Kumar Vs Ayyakannu and another** reported in (2002) 7 S.C.C, the Supreme Court, however, held that since the plaintiff in his application for amendment proposed to introduce the cause of action which had arisen to the plaintiff during pendency of suit, though the defendant denied the plea of plaintiff and contended that plaintiff was not in possession of the property even before the institution of the suit, the basic structure of the suit would not

be altered by the proposed amendment since what is sought to be changed is the nature of the relief sought for by plaintiff.

14. In **Pankaja & Anr Vs. Yellappa (D) By Lrs.,** reported in 2004 (6) SCC 415, the Supreme Court considered a somewhat similar situation akin to the instant case. In that case too initially a relief of perpetual injunction and recovery of possession was asked for, but later it was alleged that there was dispossession pending suit relief of declaration of title was sought. Like in the instant case, it was opposed relying on Art.58 of the Limitation Act, 1963. The trial Court and the High Court rejected the application of amendment accepting the said plea. But the Supreme Court reversed the said decisions and held:

> " 17. ... ...While the learned counsel for the defendant-respondents pleaded that under Entry 58 of the Schedule to the Limitation Act, the declaration sought for by the appellants in this case ought to have been done within 3 years when the right to sue first accrued, the appellant-plaintiff contends that the same does not fall under the said entry but falls under Entry 64 or 65 of the said Schedule of the Limitation Act which provides for a limitation of 12 years, therefore, according to them the prayer for declaration of title is not barred by limitation, therefore, both the courts below have seriously erred in

> not considering this question before rejecting the prayer for amendment."

15. A learned single Judge of the common High Court at Hyderabad in the case of **C.Mainkya Reddy Died and 3 Others Vs. Chigurlapally Pedda Yella Reddy (died)** in C.R.P.No.7013 of 2018 dated 30.04.2019, it is held that as follows:

> In the instant case, though the application for amendment has been sought after the trial commenced, it is important to note that the alleged dispossession of petitioners by respondents is alleged by the petitioners to have occurred after the trial commenced. Whether this fact is true or not cannot be gone into while deciding whether or not to allow the application for amendment. Merely because the respondents pleaded that they were in possession of the suit schedule property on the date of filing of suit, the said plea cannot be accepted as the gospel truth, and the question as to who was in possession as on the date of filing of the suit has to be determined in the suit.

16. The petitioner-plaintiff ought to have sought for the amendment at rather early stage rather than commencement of trial, before the trial has been commenced lacks due diligent, for which, the civil revision petition is allowed by setting the order dated 20.07.2026 in I.A.No.510 of 2026 in O.S.No.3 of 2017 mulcting costs of Rs.25,000/- (Rupees twenty

five thousand only) which shall be payable to the respondents/ contesting defendants within a period of two (02) weeks from the date of receipt of a copy of this order, failing which the civil revision petition stands dismissed without recourse to order of this Court. The trial Court is directed to give an opportunity of filing any additional written statement in order to rebut the allegations made in the amended plaint.

17. Accordingly, the Civil Revision is allowed. No order as to cots.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 01.10.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No.2390 of 2026

Date: 01.10.2026

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