IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE THE ACTING CHIEF JUSTICE P.SAM KOSHY

Civil Revision Petition No.868 of 2026

CNR.No.HBHC010152152026

Reserved on :: 21.08.2026 **Pronounced on :: 16.10.2026**
Uploaded on :: 16.10.2026

Between :

D. Abhinay Reddy, S/o.Venkateswara Reddy

…Petitioner

v.

M/s.Winner Eleven Foods Private Limited and another

…Respondents

ORDER:

The instant Civil Revision Petition has been filed by the petitioner under Section 115 of the Civil Procedure Code, 1908 assailing the order dated 20.01.2026 in Interlocutory Application No.536 of 2025 in O.S.No.45 of 2024 passed by the IV Senior Civil Judge, City Civil Court, at Hyderabad **(for short, 'the impugned order')**.

2. Heard Mr. K. Muralidhar Reddy, learned counsel for the petitioner.

3. *Vide* the impugned order, the Trial Court dismissed the petition filed by the petitioner herein under Section 152 of Civil Procedure Code, 1908 praying the Trial Court to amend the Plaint, Judgment and Decree as regards built-up area and boundaries in the description of the property.

4. The brief facts of the care are that petitioner / plaintiff herein had filed the above suit, viz., O.S.No.45 of 2024 before the Trial Court under Order VII, Rule 1 read with Section 26 of Civil Procedure Code, 1908 for eviction and recovery of arrears of rent against the respondents. In the said suit, the petitioner / plaintiff had reflected the schedule of properties as under, viz.,

SCHEDULE OF PROPERTY

All that part and parcel of residential premises situated in Plot No.322 admeasuring 1022 Sq.Yds., in Road No.25, Jubilee Hills, Hyderabad, with the built-up area of 6000 Sq.ft. comprising of 3 Bed Rooms with attached bathrooms, Living – Dining Room, Big basement Hall, Kitchen, Four Balconies and vacant land about 300 Sq.Yds., for car parking space and bounded by ::

North	::	Open Space
South	::	50 Wide Road No.25
East	::	Plot No.320
West	::	Plot No.321

5. The above suit was decreed *ex parte* on 06.03.2025 by the Trial Court by directing the respondents to vacate the suit schedule premises and to hand over the vacant peaceful physical possession of the suit schedule property within two month from the date of passing of the order, failing which the petitioner is entitled for recovery of the same under due process of law; and with a further direction to the respondents to pay a sum of Rs.6,50,000/- towards arrears of rent, and for the month of December, 2023 and January, 2024 @ Rs.3,25,000/- per month.

6. When the petitioner preferred an execution petition before the Trial Court, the petitioner noticed an error insofar as the boundaries and built-up area of the suit schedule property being incorrectly mentioned in the plaint, Judgment and Decree. Accordingly, the petitioner filed an application, viz., Interlocutory Application No.536 of 2025 in O.S.No.45 of 2024 before the Trial Court with a prayer to seek amendment of the plaint, Judgment and Decree.

7. By way of the said amendment, the petitioner sought to change the schedule property as under, viz.,

SCHEDULE OF PROPERTY

All that part and parcel of residential premises situated in Plot No.322 admeasuring 1022 Sq.Yds., in Road No.25, Jubilee Hills, Hyderabad, with the built-up area of 4000 Sq.ft. comprising of 5 Bed Rooms with attached bathrooms, Living – Dining Room, Big basement Hall, Kitchen, Four Balconies and vacant land about 300 Sq.Yds., for car parking space along with following boundaries ::

North	::	Plot No.320
South	::	Plot No.321
East	::	Open Space
West	::	50 ft. Wide Road No.25

8. The Trial Court, after considering the contentions put forth by the learned counsel for the petitioner / plaintiff, went on to decide the following question, viz., "*Whether the petitioner / plaintiff can be permitted to change the definition of the property in the plaint, Judgment and Decree under Section 152 of Civil Procedure Code, 1908 ?".*

9. For ready reference, it would be more appropriate if the provisions of Section 152 of Civil Procedure Code, 1908 are reproduced hereunder, viz.,

"**152**. Amendment of judgments, decrees or orders. - Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be

corrected by the Court either of its own motion or on the application of any of the parties."

10. According to learned counsel for the petitioner, a mere reading of the correction sought for by way of the above amendment to the plaint, Judgment and Decree itself would go to show that the suit schedule property remains the same except for the change in the description of the properties situated on the four sides. He further contended that the only error that cropped up was the re-arrangement of the boundaries. The four boundaries referred to in the plaint remains the same except for the direction or location at which it sits; that which sits at North in the plaint has got inadvertently reflected as "East"; that which is located at South has been reflected in the plaint as "towards the West"; and that which is located on the eastern side in the plaint has been reflected to be on the northern side; and likewise, what is actually on the western side in the plaint is shown to be at the southern side. Therefore, it is this re-arrangement of the directions of the suit schedule property and the fact that the area reflected in the plaint was 6,000 Sq.ft. Whereas, by way of the amendment the property is being reduced to 4,000 Sq.ft.

11. According to learned counsel for the petitioner, the plot number remains the same, the road on which the property is located remains the same; the total extent of square yards mentioned in the plaint remains the same, except for the aforesaid errors that have crept in. It was also the contention of learned counsel for the petitioner that the errors occurred because of the plaint being prepared on the basis of an unregistered lease deed whereas the actual directions and the area of the suit schedule property was that which was reflected in the registered Gift Deed bearing Document No.6320 of 2022, dated 01.10.2022 and also the link documents; and therefore prayed for setting aside of the impugned order passed by the Trial Court with a further direction to permit the petitioner carry out the amendment and allow the Civil Revision Petition.

12. In support of his contentions, learned counsel for the petitioner relied upon the following decisions, viz., (i) **K. Rani v. Hanumaiah Goud and another[1]; (ii) Peethani Suryanarayana v. Repaka Venkata**

[1] 2014 (6) ALD 387

Ramana Kishore[2]; (iii) B. Dheenadhayabaran v. Rathna Vel[3]; and (iv) Tandra Satyanarayana Rao v. Tandra Paparao[4].

13. Perusal of the pleadings available with the Civil Revision Petition, more particularly, taking note of the contents of the plaint and the judgment passed by the Trial Court, what is clearly visible is that neither the unregistered lease deed nor the registered gift deed, the documents which were marked and exhibited during the course of trial, the amendment now being sought for is based upon a document which has neither been filed, admitted or exhibited during the course of trial; therefore, in the absence of which invoking the provisions of Section 152 of Civil Procedure Code, 1908 seeking for correction of clerical error or an accidental slip or omission ought to had been reflected and visible from the pleadings and the evidence adduced by the parties during the course of trial. The correction sought for by the petitioner before the Trial Court cannot be permitted by way of an amendment based upon new documents outside the suit proceedings.

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[2] AIR 2009 SC 2141
[3] 2015 (4) LW 62
[4] 1997 (5) ALD 307

14. The judgments which have been relied upon by the petitioner are clearly distinguishable on the facts itself for the reason that the description of the property sought to be amended by way of an application under Section 152 of the Civil Procedure Code, 1908 in the cases referred supra were available in the pleadings and they were part of the record unlike in the present case where neither the lease deed nor the registered gift deed was either filed, admitted or exhibited in the course of passing of the impugned order. Further, a perusal of the prayer made by the petitioner herein would clearly indicate that permitting the amendment as sought for would lead to a situation where the Trial Court would have to go beyond the pleadings and also consider things which are not given in evidence inasmuch as by way of the amendment the petitioner herein seeks to substitute the very description of the suit schedule property like the boundaries as also the built-up area. From a plain reading of Section 151 of Civil Procedure Code, 1908, it would clearly indicate that the correction permissible under Section 152 is only in the event of an error which has crept in by way of a clerical mistake or an arithmetical error in the judgment and decree or order, or the error had arisen because of an accidental slip or omission on the part of the Court.

15. Under no circumstances does Section 152 of Civil Procedure Code, 1908 permit amendment of a judgment, decree or order on the basis of material which does not form part of the pleadings, neither it is based upon a document which has been produced, marked, admitted and exhibited in the course of pleadings. It is not the case of petitioner that clerical or arithmetical mistake or the so-called accidental slip or omission was said to have occurred in the course of passing of the judgment and decree, nor is it a case where the Court is to be blamed for the so-called error or mistake that had occurred. On the other hand, the material on the basis of which the amendment is being sought for was never a part of the proceedings at all before the Trial Court.

16. Therefore, for all the aforesaid reasons, holding the judgments relied upon by the learned counsel for the petitioner to be distinguishable on facts itself, this Court does not find any error on the part of the Trial Court in passing the impugned order. The Civil Revision Petition therefore being devoid of merit deserves to be and is accordingly dismissed. No costs.

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

P.SAM KOSHY, ACJ

Date :: 16.10.2026
Ndr