



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2026
(@ SLP (C) NOS.17491-17492/2023)

AKKIRAJU PANDURANGA RAO & ANR. Appellants

VERSUS

GUNDLAPALLY RANGA RAO Respondent

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. Being aggrieved by the order dated 12.06.2023 passed in Civil Revision Petition No.411/2023 and Civil Revision Petition No.417/2023 by the High Court for the State of Telangana at Hyderabad, the appellants are before this Court.

3. Briefly stated, the facts of the case are that the appellants herein are the owners in possession of agricultural land in Sy Nos.19/2 and 18/5 to an extent of Ac.2-75 cents and Ac.0-71 cents

respectively, totally admeasuring Ac.3-49 cents situated at Nadigudem village and mandal, Nalgonda District (hereinafter referred to as 'suit property'). The respondent herein, having his land on the northern boundary of the suit property, allegedly started causing interference with the appellants' possession.

4. Being aggrieved, the appellants herein filed a suit bearing O.S. No.52/2016 before the Principal Junior Civil Judge at Kodad, Telangana (hereinafter referred to as 'trial court'), for permanent injunction restraining the respondent and his agents from causing interference with the possession of the appellants over the suit property. Along with the aforesaid suit, an application bearing I.A. No. 230/2016 was filed by the appellants, seeking *ex parte* temporary injunction against the respondent, which was allowed by the trial court.

5. Thereafter, the respondent herein filed an application being I.A. No.719/2016 in I.A. No.230/2016 seeking appointment of an Advocate

Commissioner to make note of the physical features of the scheduled lands in view of the dispute with regard to its nature and boundaries. Trial Court, by docket order dated 07.02.2017, allowed the application filed by the respondent and appointed an Advocate Commissioner. Aggrieved by the aforesaid order, appellants preferred a civil revision petition bearing C.R.P. No.861/2017 before the High Court, which was dismissed *vide* order dated 14.07.2017.

6. Meanwhile, the appellants preferred I.A. No.229/2017 in O.S. No.52/2016 under Order VI Rule 17 and Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC;), seeking amendment of the plaint schedule boundaries, contending that due to an inadvertent error, the boundaries of Sy No.18/5 had not been mentioned. The trial court, by order dated 28.03.2019, permitted the appellants to amend the plaint schedule boundaries by incorporating the boundaries to both survey numbers as prayed for.

7. Subsequently, another application bearing I.A. No.515/2022 was filed by the appellants in I.A. No.230/2016 in O.S. No.52/2016, seeking amendment of the plaint schedule boundaries in the application for temporary injunction. Having regard to the earlier order dated 28.03.2019 passed in I.A. No.229/2017, whereby amendment of schedule boundaries in the plaint was allowed, the trial court, by order 20.12.2022, also allowed the amendment of the plaint schedule boundaries in the application seeking temporary injunction, i.e., in I.A. No. 230/2016.

8. Aggrieved by the orders dated 28.03.2019 and 20.12.2022 passed by the trial court, respondent preferred revision petitions bearing CRP Nos.411 and 417 of 2023 before the High Court. By way of the impugned order dated 12.06.2023, the High Court allowed the aforesaid revision petitions and set aside the orders dated 28.03.2019 and 20.12.2022 passed by the trial court in I.A. No.229/2017 and I.A. No.515/2022 respectively; whereby the

appellants were permitted to amend the plaint schedule boundaries. It was held that the amendment sought by the appellants, if allowed, would change the nature of the properties and would give rise to a new cause of action. Moreover, the Court observed that the amendment sought by the appellants did not appear to be bona fide and even otherwise, it was always open for the appellants to withdraw the suit and file a fresh suit with the necessary amendments to the suit property.

9. Being aggrieved, the appellants have preferred the instant civil appeals before this Court.

10. We have heard learned senior counsel for the appellants and learned senior counsel/learned counsel for the respondent at length. We have perused the material on record.

11. The appellants in the present case had filed I.A. No. 229/2017 in O.S. No. 52/2016 before the trial court, seeking amendment of the plaint schedule boundaries contending that due to an inadvertent error the boundaries of Sy No. 19/2 alone were mentioned, but the

boundaries of Sy No. 18/5 had not been mentioned. The said mistake in non-mentioning of the boundaries in the latter suit property was realised only after the filing of the written statement by the respondent.

12. The trial court, by order dated 28.03.2019, allowed the said application for amendment since erroneous boundaries were mentioned with respect to the suit lands. It was further observed that by merely allowing the said application for amendment would not cause any prejudice to the respondent herein, as he will have an opportunity to file an additional counter and additional written statement and he has also done so.

13. The High Court however has set aside the order of the trial court permitting amendment of the plaint on the ground that the amendment sought by the appellants would change the nature of the property and would introduce a new cause of action. Moreover, it was held that the application seeking amendment was preferred by the appellants only after the respondent had filed his written statement wherein he has stated that the schedule given by the appellants for the suit survey numbers was not correct inasmuch as the agricultural land in the

said survey numbers were not in one compact block but were separated by a stream. In view of the above, the High Court observed that the application filed by the appellants seeking amendment of suit schedule property appeared not to be bona fide.

14. At this stage, we find it appropriate to refer to Order VI Rule 17 of the CPC which provides for the amendment of pleadings. The relevant Rule is extracted as hereunder:

"ORDER VI
Pleadings generally

17. Amendment of pleadings.— The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties: Provided 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."

15. From a bare reading of the aforesaid Rule, it is clear that the courts have a discretion to allow all amendments that may be necessary for determining the real question in controversy between the parties, provided it does not cause injustice or prejudice to the other side.

16. Therefore, the points of consideration as also noted by the High Court in its impugned order, for deciding an application for amendment, are reiterated as under:

Firstly, whether the amendment is necessary for the determination of the real question in controversy? and

Secondly, can the amendment be allowed without injustice to the other side?

17. It is a settled position of law that while deciding an application seeking amendment of pleadings, courts should not delve into the technicalities of law; rather, a liberal approach should be followed, inasmuch as the object and purpose of allowing amendment in the pleadings is to avoid multiplicity of litigation.

18. In the present case, the appellants sought for an amendment of the suit schedule property on the ground that due to an inadvertent error, the boundary of Sy No. 18/5 was not mentioned. The trial court rightly allowed the application seeking amendment of the suit property in a suit for permanent injunction, inasmuch as the same was necessary for the determination of the real question

in controversy, one of them being whether the appellants were entitled to the relief of permanent injunction against the respondent with respect to the suit property.

19. It is also pertinent to note that the application seeking amendment was preferred by the appellants, although after the filing of the written statement by the respondent, but before the commencement of the trial. We therefore find that the trial court, by allowing the said application, had rightly held that no prejudice would be caused to the respondent, as he would have an opportunity to file an additional counter and additional written statement.

20. We find that the High Court was not right in setting aside the orders passed by the Trial Court dated 28.03.2019 in I.A. No.229/2017 and 20.12.2022 in I.A. No.515/2022 in I.A. No.230/2016 in O.S. No.52/2016. Consequently, the impugned order is set aside and the aforesaid orders passed by the Trial Court are restored. The amendment sought for by the appellants herein is consequently allowed.

21. It is needless to observe that the suit shall be adjudicated and disposed of in accordance with law.

22. These appeals are allowed in the aforesaid terms.

23. The parties to bear their respective costs.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
APRIL 16, 2026