

APHC010519452024



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

[3332]

TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2827/2024

Between:

1. SWARNA SURYA PRAKASA RAO(DIED), DIED
2. SWARNA NAGENDRAMMA, (DIED)
3. SWARNA MALLESWARI,, W/O LATE ANTONAIAH, AGED ABOUT 45 YEARS, CULTIVATION, GOLLAPALEM, H/O REPUDI, PHIRANGIPURAM MANDAL, GUNTUR DISTRICT, NOW PALNADU DISTRICT.
4. SWARNA SUDHEER KUMAR, , S/O LATE ANTONAIAH AGED ABOUT 24 YEARS, STUDENT, GOLLAPALEM H/O REPUDI, PHIRANGIPURAM MANDAL, GUNTUR DISTRICT, NOW PALNADU DISTRICT.
5. SWARNA PRIYANKA,, D/O LATE ANTONAIAH, AGED ABOUT 25 YEARS, GOLLAPALEM H/O REPUDI, PHIRANGIPURAM MANDAL, GUNTUR DISTRICT, NOW PALNADU DISTRICT.
6. SWARNA FRANCIS, , S/O SURYA PRAKASA RAO AGED ABOUT 39 YEARS, H/O REPUDI, PHIRANGIPURAM MANDAL, GUNTUR DISTRICT, NOW PALNADU DISTRICT.
7. SWARNA VELANGINI RAJU,, S/O SURYA PRAKASA RAO, AGED ABOUT 39 YEARS VILLAGE, BIJINEPALLI MANDAL MAHABOONAGAR DISTRICT.
8. KONDAPALLI JOSPHINE,, W/O SUDHARSAN RAJU, AGED 38 YEARS, D.NO. 1-156, PHIRANGIPURAM VILLAGE AND MANDAL GUNTUR DISTRICT, NOW PALNADU DISTRICT

9. TURKA LOURDU MARY,, W/O RAMESH, AGED 34 YEARS, D.NO. 50-121-33, SEETHAMMADARA, VISAKHAPATNAM. ..

...PETITIONER(S)

AND

1. YENDREDDY PUSHPAVATHI, W/O BALA RAMIREDDY, (1ST DEFENDANT) AGED ABOUT 68 YEARS. DOOR NO. 5-58, NAMBURU VILLAGE, PEDAKAKANI MANDAL, GUNTUR DISTRICT

2. NADIKUDI RAMI REDDY, S/O PITCHI REDDY, (2ND DEFENDANT) AGED ABOUT 67 YEARS, R/O DOOR NO. 5-58, NAMBURU VILLAGE, PEDAKAKANI MANDAL, GUNTUR DISTRICT

...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, dated 10-07-2023 in I.A No.362/2023 in O.S.No.26/2015 on the file of Principal Junior Civil Judge, Chilakaluripet and to pass

IA NO: 1 OF 2024

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 stay all further proceedings in O.S. No. 26/2015 on the file of the learned Principal Junior Civil Judge, Chilakaluripet during the pendency of the CRP before this Hon'ble Court and to pass

Counsel for the Petitioner(S):

1. VENKATA DURGA RAO ANANTHA

Counsel for the Respondent(S):

1.

The Court made the following:

RESERVED ON	16.03.2026
PRONOUNCED ON	08.04.2026
UPLOADED ON	08.04.2026

ORDER

This Civil Revision Petition is filed questioning the legality and correctness of the orders dated 10.07.2023 passed in I.A.No.362 of 2023 in O.S.No.26 of 2015 by the learned Principal Junior Civil Judge, Chilakaluripet.

2. The petitioners are the plaintiffs and respondents are the defendants.

3. The facts that led to filing of this Civil Revision Petition, in brief, are that

(i) In the suit filed by the plaintiffs for specific performance of agreement of sale, when the suit was coming up for evidence of the defendants, the defendant no.1 filed petition vide I.A.No.362 of 2023 under order-8, Rule-9 CPC with a prayer to permit her to file additional written statement contending that she adopted the written statement filed by defendant no.2 and now she wants to file additional written statement. The plaintiffs resisted the same by filing counter contending that through additional written statement the defendant no.1 want to take away and withdraw the admissions made by her earlier and that too after closure of their evidence and therefore, if the petition is allowed, much prejudice would be caused to them.

(ii) The learned trial Judge upon considering the submissions made by learned counsel for the parties and upon perusing the material available on record, allowed the petition.

(iii) The said order was assailed in this Civil Revision Petition.

4. Heard Sri A.Venkata Durga Rao, learned counsel for petitioners, and Sri G.L.Nageswara Rao, learned counsel for respondent no.1 and Ms.B.Revathi, learned counsel for respondent no.2.

5. Sri A.Venkata Durga Rao, learned counsel for petitioners, while reiterating the contents of the counter and grounds of Civil Revision Petition would contend that by filing additional written statement the defendant no.1 wants to take away the admissions made by her earlier by adopting the written statement of defendant no.1 and further the plaintiffs let in their evidence based on the defence set out by the defendants in their written statement and therefore, the court below erroneously allowed the petition. He would further contend that additional written statement must relate to new facts but not to the facts prior to filing of the suit, however, the trial Court upon misconception of order VIII, Rule-9 of Code of Civil Procedure holding that stage of the suit may not be a restriction to receive additional written statement and that the defendants are entitled to take contradictory pleas, passed the impugned orders, which are unsustainable and are liable to be set aside. Accordingly, prayed to allow the Civil Revision Petition.

6. On the other hand, Sri G.L.Nageswara Rao, learned counsel for defendant no.1 while reiterating the contents of the affidavit filed in support of the petition filed before the trial Court would contend that the defendants

in a suit can take contradictory and inconsistent pleas and initially the defendant no.1 adopted the written statement filed by defendant no.2 and as she has some more contentions to advance, she sought permission of this Court for filing additional written statement. He would further contend that there is no bar for receiving additional written statement after commencement of trial and more so, Order-8 of Code of Civil Procedure does not contain any restriction for filing subsequent pleadings and the learned trial Judge upon meticulous analysis of the facts of the case and the law applicable rightly allowed the petition and the well considered order does not require interference of this Court. Accordingly, prayed to dismiss the Civil Revision Petition.

7. Perused the material available on record and considered the submissions made by learned counsel for the parties.

8. It is fairly settled that defendants are generally permitted to take inconsistent or alternative pleas in a written statement, a right wider than that allowed to plaintiffs. However, these pleas cannot be mutually destructive or contradict a categorical, clear admission of fact already made in the same or previous pleadings.

9. Order-8, Rule-9 of Civil Procedure Code is liberal in its application and it does not impose any restrictions for raising subsequent pleadings regardless whether those pleas are available or not on the date of filing of the

original written statement. Order-8, Rule-9 CPC empowers the Court to call for the written statement or additional written statement from any party, fixing time, not exceeding 30 days. Under Order VIII, Rule 9 of the Code of Civil Procedure (CPC), courts have wide discretion to allow additional written statements, typically applied liberally to facilitate effective case adjudication and to allow new facts or defenses.

10. It is fairly settled that admissions made in a written statement cannot be permitted to be withdrawn or taken away by an additional written statement or amendment. Further, while courts are generally liberal in allowing amendments to pleadings to determine the real controversy, they strictly prohibit amendments that seek to completely withdraw an admission made earlier, as this causes irretrievable prejudice to the other party.

11. In the instant case, initially, the defendant no.1 adopted the written statement filed by defendant no.2. The written statement of defendant no.2 would indicate that he is a bona fide purchaser for value of the plaint schedule property and that the property was delivered to him and he has been in peaceful possession and enjoyment of the property.

12. By way of the additional written statement, the defendant no.1 wants to plead that agreement of sale clearly mentions that if balance sale consideration is not paid before end of January,1992, the agreement shall stand cancelled and the plaintiff no.1 with a view to get over the same forged

the signature of defendant no.1 on part payment endorsement, but in fact no such part payment was made and no such endorsement was made by defendant no.1.

13. Thus, by the additional written statement, the defendant no.1 is not either withdrawing or taking away any admission made in the written statement of defendant no.2, which was adopted by her earlier.

14. The learned Trial Judge upon perusing the material available on record and the observations made in the decisions in ***P.Saraswathi vs. C.Subrahmanyam*** (orders dated 31.10.2013 passed in CRP No.4791 of 2011 by High Court of Madras), rightly allowed the petition and the same does not require interference of this Court while exercising supervisory jurisdiction under Article 227 of the Constitution. The Civil Revision Petition lacks merit and deserves dismissal.

15. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

8th April, 2026.

JUSTICE RAVI CHEEMALAPATI

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