

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CIVIL REVISION PETITION No.1585 of 2023

Between:

1.KATHI CHINNA VENKATASUBBAIH, S/O VENKATAIAH, AGED ABOUT 62 YEARS, OCC. AGRICULTURE, (RESIDENT OF LINGAREDDIPALLI VILLAGE, C.K.DINNE MANDAL, KADAPAH DISTRICT).

...PETITIONER

AND

1.G VENKATA SUBBA REDDY, S/o Venkataswamy, Aged 68years, Occ-Agriculture and Business man, R/o Kothpeta Village,C.K.Dinne Mandal, Kadapa District.

...RESPONDENT

DATE OF ORDER PRONOUNCED : **29.06.2026**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers
may be allowed to see the order? : Yes/No
2. Whether the copy of order may be
marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to
see the fair copy of the order? : Yes/No

JUSTICE SUBBA REDDY SATTI

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

+ CIVIL REVISION PETITION No.1585 of 2023

% 29.06.2026

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...RESPONDENT

! Counsel for Petitioner : Sri P.Nagendra Reddy

^ Counsel for Respondent : Sri V.R. Reddy Kovvuri

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> Head Note:

? Cases referred:

- 1) AIR 1932 All 587 : 1932 SCC OnLine All 111
- 2) AIR 1944 Oudh 5 : 1943 SCC OnLine Oudh CC 120
- 3) AIR 1950 Mad 751 : 1949 SCC OnLine Mad 276
- 4) AIR 1966 AP 26 : 1964 SCC OnLine AP 92
- 5) 2004 (2) ALD 570
- 6) (2007) 13 SCC 421
- 7) AIR 1963 SC 1879
- 8) 1914 SCC OnLine All 308 : AIR 1914 All 61
- 9) AIR 1931 MAD 260
- 10) AIR 1959 AP 360

This Court made the following:

Date of reserved for orders: 22.06.2026
Date of pronouncement : 29.06.2026
Date of uploading : 06.07.2026

APHC010303922023



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

[3331]

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 1585/2023

Between:

1.KATHI CHINNA VENKATASUBBAIH, S/O VENKATAIAH, AGED ABOUT 62 YEARS, OCC. AGRICULTURE, (RESIDENT OF LINGAREDDIPALLI VILLAGE, C.K.DINNE MANDAL, KADAPAH DISTRICT).

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...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 set aside the Order dated 03-05-2023 in IA.No. 376 of 2022 in OS.No.76 of 2007 on the file of the Principal Senior Civil Judge, Kadapah and pass

IA NO: 1 OF 2023

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

pleaded to suspend the operation of the order dated. 03-05-2023 in I.A.No. 376 of 2022 in OS.No.76 of 2007 on the file of the Principal Senior Civil Judge, Kadapah pending disposal of the above CRP and pass

Counsel for the Petitioner:

1.P NAGENDRA REDDY

Counsel for the Respondent:

1.V R REDDY KOVVURI

The Court made the following:

ORDER

The defendant in the suit filed the above revision against the order dated 03.05.2023 in I.A.No.376 of 2022 in O.S.No.76 of 2007 on the file of Principal Senior Civil Judge, Kadapa.

2. The plaintiff filed the suit O.S.No.76 of 2007 against the defendant seeking specific performance of the agreement of sale dated 15.04.2006. As seen from the plaint schedule, the property is an extent of Ac.0.54 cents in D.No.175/2 of Kolumulapalli Panchayat and Village fields, C.K. Dinne Mandal, Kadapa District, within specific boundaries. The suit was decreed on 30.01.2010. The decree holder filed E.P.No.2 of 2012 under Order XXI Rule 34 (1), (4) & (5) of CPC. In the execution, it came to light that the survey number of the property is 175/5, but not 175/2. Initially, E.A.No.555 of 2016 was filed to correct the survey number; however, the same was dismissed on 23.04.2022. Thereafter, the plaintiff filed I.A.No.376 of 2022 under Section 152 of CPC to correct the survey number by inserting 175/5 in the place of 175/2, in the plaint and decree.

3. The respondent/defendant filed a counter. In Paragraph-3, it was pleaded that "it is true that the suit in O.S.No.76 of 2007 was decreed as

the respondent has got right, title and possession over an extent of Ac.0.54 cents covered in survey No.175/5". Since E.A. was dismissed, the petition under Section 152 CPC is not maintainable.

4. The trial Court, by order dated 03.05.2023, allowed the application. Aggrieved by the said order, the above revision was filed.

5. Heard Sri P.Nagendra Reddy, learned counsel for the petitioner and Sri V.R.Reddy Kovvuri, learned counsel for the respondent.

6. Learned counsel for the petitioner would contend that the trial Court has no jurisdiction to entertain the application after the suit was decreed. He would further submit that there is no arithmetical error in the judgment and decree to invoke Section 152 of CPC. The survey number mentioned in the agreement of sale is 175/2, and the same was mentioned in the plaint, and the parties let in evidence.

7. Learned counsel for the respondent, on the other hand, would contend that the survey number of the property owned by the defendant is 175/5. Except for the survey number, the boundaries remain the same. He relied upon the following citations:

- (1) Aziz Ullah Khan Vs. Collector of Shahjahanpur¹.**
- (2) Ruhulghani Vs. B. Uma Shankar².**
- (3) Appat Krishna Poduval Vs. Lakshmi Nathiar³.**
- (4) Vallabhaneni Vimalamba Vs. Ghanta Ratnamma and another⁴.**

¹ AIR 1932 All 587 : 1932 SCC OnLine All 111

² AIR 1944 Oudh 5 : 1943 SCC OnLine Oudh CC 120

³ AIR 1950 Mad 751 : 1949 SCC OnLine Mad 276

⁴ AIR 1966 AP 26 : 1964 SCC OnLine AP 92

(5) Cherukuwada Vijaya Laxmi Vs. Veluri Sitapathi and others⁵.

(6) Niyamat Ali Molla Vs. Sonargon Housing Cooperative Society Ltd. And others⁶.

8. Now, the points for consideration are:

1) Whether the application filed under Section 152 of CPC, after the suit was decreed, to correct the survey number in the plaint schedule and decree, is maintainable?

2) Whether the order dated 03.05.2023 in I.A.No.376 of 2022 in O.S.No.76 of 2007 on the file of Principal Senior Civil Judge, Kadapa, suffers from illegality or irregularity?

9. There is no dispute regarding the suit filed by the plaintiff against the defendant seeking specific performance of the agreement of sale. The schedule mentioned in the plaint is as follows:

Kadapa District – Kadapa Sub-District – C.K. Dinne Mandal – Kolumulapalli Panchayat and village fields in D.No.175/2 admeasuring Ac.0.54 cents bounded by:

EAST	-	Kadapa to Rayachoty Road.
WEST	-	Land of R.Malla Reddy
NORTH	-	Land of N.Ganganna
SOUTH	-	Rastha

10. The suit was decreed in respect of the property as per the plaint schedule. Later, as noted supra, in the E.P., it came to light that the S.No.

⁵ 2004 (2) ALD 570

⁶ (2007) 13 SCC 421

of the property is 175/5 but not 175/2, however, the boundaries remain. Along with I.A.No.376 of 2022, the plaintiff filed several documents to demonstrate that the property in S.No.175/2 belonged to some other individuals, and the defendant owned property in S.No.175/5.

11. Section 152 of CPC envisages the amendment of judgments, decrees or orders. The mistakes occurred due to clerical or arithmetical errors in judgments, decrees, or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected either *suo moto* or on an application made by the party.

12. In the case at hand, the mistake is neither clerical nor arithmetical. The survey number mentioned in the agreement of sale is 175/2, and the same was continued throughout the suit. However, the boundaries of property remain the same. It is an established principle of the law that boundaries prevail over extent and survey number. The said principle was reiterated by the Apex Court in **Sheodhyan Singh Vs Sanichara Kuer**⁷.

13. The scope of Section 152 CPC *vis-à-vis* the correction of survey number etc., after the decree was considered nearly a century back, and it was held that the Court had jurisdiction. It was held that Section 152 CPC could apply even to correct the mistakes or errors committed in the plaint, and even in a document on the foot of which the suit was filed.

14. In **Aziz Ullah Khan's case** (*supra*-1), the District Judge passed the order, whereby the mortgage decree and connected documents were amended, after a preliminary decree was passed, and against that order, a revision was filed before the High Court. In that case, the mortgagee brought a suit upon the basis of the mortgage, obtained a preliminary

⁷ AIR 1963 SC 1879

decree, which was upheld by the appellate Court, obtained a final decree and brought the property to sale. The mortgagee himself purchased the property at the auction sale, obtained a sale certificate and obtained formal delivery of possession. All through, the property was described erroneously as being situated in “Nagla Zamania Nawadiya” in accordance with the wording of the mortgage deed. Then the mortgagee applied to the trial Court Under section 152 to amend the decree. The Subordinate Judge rejected the application. The mortgagee applied to the District Judge for amendment of the decree and the connected proceedings, but the District Judge also negatived the application. Then the mortgagee filed a revision. A Division Bench of the Allahabad High Court allowed the revision. The Division Bench, headed by **Justice King and Justice Thom**, observed that the language of that section is, in their opinion, wide enough to cover the correction of mistakes made by the parties themselves. The Division Bench further quoted the judgment in **Sheo Balak Pathak Vs. Sukhdei**⁸, in which the Court ordered the amendment of the proceedings starting from the plaint right down to the decree. Eventually, the Division Bench observed as follows:

“... .. the power of the court to make corrections necessary for the ends of justice is not confined only to powers exercisable under section 152. Extensive powers may be exercised also under sections 151 and 153. We consider that this is eminently a case in which the accidental slip should be corrected, as the correction is necessary for the ends of justice.

This is a clear case of an accidental slip in the description of the property. The misdescription was not even noticed by the parties throughout the whole course of the proceedings in the mortgage suit. There was never any doubt as to the identity of the property. In the

⁸ 1914 SCC OnLine All 308 : AIR 1914 All 61

circumstances, we think this is clearly a case in which the court should exercise its inherent power of making such corrections as are necessary for the ends of justice. It would be a blot upon the judicial administration if the courts were powerless to do justice in a case of this sort, where corrections are necessary in order to give effect to the intentions of the parties themselves and to the true meaning of the mortgage decrees.”

15. In **Ruhulghani’s** case (*supra*-2), an application seeking amendment was made by the decree-holder in respect of one out of three houses in suit. His case was that he had obtained a warrant of delivery of possession of these three houses on the basis of a sale certificate and when his father went with the process servers to take possession on 07.12.1941, he came to know that house No.1 had been incorrectly described in the mortgage deed, the word “west” having been written for “east” and vice versa. The mistake had been rectified in the plaint, decrees and sale certificate. The Division Bench dismissed the revision filed by one of the judgment debtors. In fact, the Division Bench also considered the judgment of the Madras High Court in **Satyanarayana Rao Vs. Purnayya**⁹, wherein it was held thus:

“... .. where a wrong description of the mortgaged property is given through mistake or inadvertence in the mortgage deed, and it is copied in the plaint and decree based on the mortgage it is open to the plaintiff to apply under S. 152 to have the description corrected.”

Eventually, the Division Bench of the **Oudh High Court** held as follows:

9. We find upon a review of these cases that the more general opinion is that where a clerical mistake has occurred by

⁹ AIR 1931 MAD 260

inadvertence in a mortgage deed, which mistake has been repeated in the plaint and decrees, the Court which passed the judgment has power in execution to amend the decrees under Sections 151 and 152 of the CPC, and that this view has been adopted by this Court. It has been found by the Court below that the mistake alleges had occurred in the mortgage deed which gave rise to this litigation; and there is clearly no reason to doubt the correctness of this finding since it is not disputed by the applicants. It is clearly desirable in the interest of justice that the amendment should be made, and we can see no good reason therefore to interfere with the order passed ...”

16. In **Appat Krishna Poduval’s case** (*supra*-3), the learned single Judge of the Madras High Court dismissed the revision filed by the petitioner, assailing the order passed by the trial Court amending the plaint schedule and preliminary decree by striking out survey numbers. The learned single Judge observed that –

“4. In so far as amendment is concerned it is only a correction of the survey numbers. There is no dispute as regards the identity of the property nor as regards the boundaries to it and there was no controversy at all at the time of the suit as to the identity of the property which has been the subject of the kanom deed. It is only the errors as regards the survey numbers that have crept into the decree and the plaint that are sought to be amended and even before the Commissioner who was appointed to report as to the correct survey numbers as to the several properties which were the subject-matter of the decree the parties were not at issue as regards item no. 4 in respect of which amendment is sought for. ... It is only an amendment for correction of certain errors that have crept into the decree and in the plaint schedules which errors happen to be also in Ex.B1”

17. In **Vallabhaneni Vimalamba's case** (*supra*-4), the learned single Judge of the composite High Court of Andhra Pradesh allowed the revision filed by the plaintiff, when the trial Court dismissed the application to amend the plaint and decree, regarding the sum or amount mentioned therein. In that case, the suit was filed on the foot of a mortgage deed. After the preliminary decree, I.A. was filed to amend the plaint and decree by noting the sum of Rs.148-5-0 as interest due, instead of Rs.37-2-0. When the application was dismissed by the trial Court, the plaintiff filed a revision and the same was allowed. Learned Judge at Paragraph-4 observed thus:

“4. It is now well settled that the power under Section 152 of the CPC is not confined only to correct the mistakes in the drafting of the decree. It has been held to apply even to correct the mistakes or errors committed in the plaint, and even in a document on the foot of which the suit was filed. If authority is needed, reference may be made to **T.V. Ranga Rao Naidu v. Balaksonlal Janaki Prasad**, AIR 1941 Mad 940 (1) and **Satyanarayana Rao v. Purnayya**, AIR 1931 Mad 260.”

The learned Judge further relied on the judgment in **Narkulla Venkayya Vs. Noona Satyanarayana**¹⁰, wherein the Division Bench of the composite High Court held that a mistake committed by the plaintiffs in entering the acreage or the survey numbers due to inadvertence could be corrected under Section 152 CPC.

18. In **Cherukuwada Vijaya Laxmi's case** (*supra*-5), a learned single Judge of the composite High Court of Andhra Pradesh allowed the revision in an identical situation. The facts in that case are that a suit for specific performance was filed in respect of an extent of Ac.0.32 cents in

¹⁰ AIR 1959 AP 360

S.No.155/1 against the defendants 1 to 5. The trial Court granted a decree to the extent of the shares of the persons who signed the agreement of sale. A commissioner was appointed to localise and divide the property by way of excluding the share of the third defendant. The commissioner identified the property with the help of a surveyor and was satisfied with the boundaries and the extent mentioned in the agreement of sale and the plaint. However, the commissioner in his report mentioned that the schedule land is situated partly in S.No.155/1 and partly in S.No.154/2. Given the observation made by the Commissioner, the plaintiff filed I.A.No.42 of 1999 under sections 151 to 153 and Order VI, Rule 17 of CPC, to pass suitable orders. The trial Court dismissed the application. The revision filed by the plaintiff was allowed by the learned single Judge, while placing reliance upon the judgment in **Narkulla Venkayya's case** (*supra*-10).

19. In **Niyamat Ali Molla's case** (*supra*-6), while considering the scope of Section 152 of CPC, the Hon'ble Apex Court held thus:

“18. Section 152 of the Code of Civil Procedure empowers the court to correct its own error in a judgment, decree or order from any accidental slip or omission. The principle behind the said provision is *actus curiae neminem gravabit* i.e. nobody shall be prejudiced by an act of court.

19. The Code of Civil Procedure recognises the inherent power of the court. It is not only confined to the amendment of the judgment or decree as envisaged under Section 152 of the Code but also inherent power in general. The courts also have duty to see that the records are true and present the correct state of affair. There cannot, however, be any doubt whatsoever that the court cannot exercise the said jurisdiction so as to review its judgment. It cannot also exercise its

jurisdiction when no mistake or slip occurred in the decree or order. This provision, in our opinion, should, however, not be construed in a pedantic manner. A decree may, therefore, be corrected by the court both in exercise of its power under Section 152 as also under Section 151 of the Code of Civil Procedure. Such a power of the court is well recognised.

25. It is not a case where the defendants could be said to have been misled. It is now well settled that the pleadings of the parties are to be read in their entirety. They are to be construed liberally and not in a pedantic manner. It is also not a case where by reason of an amendment, one property is being substituted by the other. If the court has the requisite power to make an amendment of the decree, the same would not mean that it had gone beyond the decree or passing any decree. The statements contained in the body of the plaint have sufficiently described the suit lands. Only because some blanks in the schedule of the property have been left, the same, by itself, may not be a ground to deprive the respondents from the fruit of the decree. If the appellant herein did not file any written statement, he did so at its own peril. Admittedly, he examined himself as a witness in the case. He, therefore, was aware of the issues raised in the suit. It is stated that an Advocate Commissioner has also been appointed. We, therefore, are of the opinion that only because the JL numbers in the schedule were missing, the same by itself would not be a ground to interfere with the impugned order.”

20. In **Niyamat Ali Molla’s case** (*supra*-6), the plaintiff filed a suit for a declaration, possession and also for damages. An *ex parte* decree was passed against the defendants. In the plaint, the property was described as: “*That within the township area 2.09 acres comprising of RS Dag Nos. 340, 341, 342, 343 and 344 of Mouza Tegharia, more fully described in*

Schedule 'A' hereunder written and hereinafter referred to as the suit property, is situated." Accordingly, a decree was passed, and the same was confirmed by the appellate Courts. An application was filed to amend the plaint and also the decree containing the schedule. The proposed amendment sought is:

"7. On the said averments, the proposal for amendment which was made is as under:

"In the schedule of the suit property described in the plaint in the first line after the words 'All that' the figure '2.09' shall be inserted.

In the schedule of the suit property described in the plaint in the second line after the words 'RS Dag Number' the following plot numbers, '340, 341, 342, 343 and 344' shall be inserted.

In the schedule of the suit property described in the plaint in the third line after the words 'Khatian Numbers' following khatian numbers shall be inserted '80, 310 and 83'."

An objection was filed by one of the defendants, who eventually filed an appeal before the Apex Court. The executing Court rejected the objection, and the same was confirmed by the High Court. When the matter was carried to the Hon'ble Apex Court, it dismissed the SLP.

21. Thus, a conspectus of the authorities referred to supra, an accidental slip in the description of the property, the mis-description which was not even noticed by the parties throughout the whole course of the proceedings; no dispute regarding the identity of the property, the court can exercise its inherent power of making such corrections as are necessary for the ends of justice, even after the decree is passed in the interests of justice.

22. However, the Court should be very cautious in exercising its discretion *vis-à-vis* corrections after the decree. Otherwise, in a given case, the unscrupulous litigants may misuse this jurisdiction and get the correction after the decree, which may create any amount of injustice to an innocent.

23. For instance, in a suit based on an agreement of sale for an extent of Ac.0-25 cents in S.No.150/1 within the specified boundaries in a particular case, upon decree, if an application is filed to correct the S.No. 150/1 to 150/3 within the boundaries and to the same extent, the court can exercise. However, the extent is changed Ac.0-50 cts, and the boundaries remain the same; despite the principle that the boundaries prevail over the extent, it is not advisable to correct the same while exercising the jurisdiction under Sec 152 C.P.C since there is a dispute *vis-à-vis* the extent. Thus, much depends upon the facts of each case; the Court shall exercise its jurisdiction. The Court dealing with the applications shall exercise the utmost care to avoid other complications.

24. Even the litigants may also create a decree for government land etc., Hence, the Court, while exercising the jurisdiction, especially after the decree, to correct the survey numbers, must direct the person to prove the wrong mentioning by placing all relevant information, including the documents. In fact, in this case, the plaintiff filed documents saying that the land in S.No.175/2 belonged to some other person, and the actual property within the boundaries is in S.No.175/5.

25. In the case at hand, as noted *supra*, it was mentioned that the defendant owns property in S.No.175/2. The said mistake occurred at the time of execution of the document at first, continued in the plaint and culminated in the decree. The mistake was identified for the first time during

the execution, and hence, an application was filed by the petitioner to correct the same in the plaint schedule as well as the decree. The trial court exercised the jurisdiction vested in it in a proper manner. This Court does not find any illegality or irregularity in the order dated 03.05.2023 in I.A.No.376 of 2022 in O.S.No.76 of 2007 on the file of the Principal Senior Civil Judge, Kadapa. Hence, this Court does not find any merit in this revision, and hence, the same is liable to be dismissed.

26. Accordingly, the Civil Revision Petition is Dismissed. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

PVD

Whether the order is:

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No