

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

C.R.P.No.4670 of 2015

-

ORDER:

Heard.

The petitioner sought for framing an additional issue on the basis of additional documents filed by the defendants, which were allowed by the Court below, by its order dated 14.08.2014, in I.A.No.144 of 2014 by receiving documents subject to admissibility and proof. The petitioner thereafter, filed the present application i.e., I.A.No.150 of 2014 in O.S.No.14 of 2007 to frame additional issue relating to the said additional documents filed by the defendants. The said application has been dismissed through the impugned order dated 30.06.2015 by holding that the Court can always frame appropriate issue at the time of disposal of the suit, as provided under Order XIV CPC. It is also mentioned that the suit is pending for seven years and, as such, there is no reason to permit the prayer of the petitioner. That order is questioned in this revision.

Sri P.Sridhar Reddy, learned counsel for the petitioner submits that amendment or framing additional issue at the time of final disposal of the suit on additional documents filed by the petitioner would not focus attention of the Court as well as the parties to the controversy and an additional issue is necessary to have been framed.

I find from the impugned order that the Court below has already considered the said aspect and rightly observed that under Order XIV CPC, it is for the Court to frame an appropriate issue, which cannot be disputed and that the Court has power to frame one or more issues or to recast the issues at the final disposal of the suit. Even now, it is open for the trial Court, if it feels necessary, to frame an additional issue at the time of disposal of the suit. So far as both the parties are concerned,

they are fully conscious of the controversy involved and they are at liberty to lead their evidence in support thereof. Hence, no interference with the impugned order is called for, at this stage.

Accordingly, the civil revision petition is dismissed.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

VILAS V.AFZULPURKAR, J

Date: 11-12-2015

Kvrm

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

C.R.P.No.4670 of 2015

Dated: 11-12-2015

kvrn