

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

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CIVIL REVISION PETITION No.4576 OF 2015

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ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the plaintiff in O.S.No.87 of 2014 on the file of XXVII Additional Chief Judge, City Civil Court, Secunderabad, aggrieved by the order, dated 10.09.2015, passed in I.A.No.557 of 2015 in the said Suit.

The aforesaid Suit is filed for specific performance of agreement of sale. At the stage of cross examination of PW.1, the respondent – defendant has filed the present I.A. seeking permission to file additional written statement. The Court below, by impugned order, dated 10.09.2015, has allowed the said application.

In this revision petition, it is contended by the learned counsel for petitioner that the respondent cannot be permitted to file additional written statement as the pleas taken therein are inconsistent with the pleas taken in the written statement filed initially and in support of his arguments, he placed reliance on a judgment of this Court in

M/s. S.K.D. Laboratories v. Bank of India.

Having heard the learned counsel for petitioner, I have perused the written statement filed initially and also the one now sought to be filed.

Whether there is inconsistency in the pleadings or not is to be considered by comparing both the written statements, having regard to the defence taken therein. Having regard to the pleas taken in the additional written statement, this Court is of the view that there is no

inconsistency as pleaded. Further, it is also not in dispute that the Suit is at the stage of cross examination of PW.1 and as such, no prejudice will be caused to the petitioner, if the respondent is allowed to file additional written statement, so as to interfere with the impugned order in exercise of revisional jurisdiction under Article 227 of the Constitution of India.

Accordingly, the revision petition is dismissed. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

R. SUBHASH REDDY, J

November 13, 2015

MD