

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Civil Revision Petition No.2092 of 2015

Between

Satyawada Appa Rao

... Petitioner/Defendant

and

Satyawada Chinna Veeraju

... Respondent/Plaintiff

DATE OF JUDGMENT PRONOUNCED: 07-8-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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|----------|---|---------------|
| <u>1</u> | <u>Whether Reporters of Local newspapers may be allowed to see the Judgment?</u> | <u>Yes/No</u> |
| | - | |
| <u>2</u> | <u>Whether the copies of judgment may be marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| | - | |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

HON'BLE SRI JUSTICE R.KANTHA RAO

Civil Revision Petition No.2092 of 2015

Order:

Heard Sri Mangena Sreerama Rao, learned counsel appearing for the petitioner-defendant. No representation for the respondent-plaintiff.

2. In the course of trial before the Court below, the

petitioner-defendant filed a petition under Order XIV, Rule 5 C.P.C., to frame an additional issue, namely, whether there was oral partition in 1982 between the plaintiff and defendant as contended by the plaintiff ?

The trial Court dismissed the petition. Feeling aggrieved, the petitioner filed the present civil revision petition.

3. At the hearing of the revision, the learned counsel appearing for the petitioner submits that even though the said issue has not been specifically framed, if the trial Court does not consider the issue while disposing of the suit basing on the evidence available on record, the case of the petitioner-defendant would be prejudiced.

4. Therefore, the civil revision petition is disposed of directing the trial Court to consider the issue, namely, whether there was oral partition in 1982 between the plaintiff and defendant as contended by the plaintiff, at the time of arguments basing on the evidence available on record and answer the same in the judgment going to be rendered by it. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

R.KANTHA RAO, J.

07th August, 2015.

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Note:-

Issue C.C. by 11-8-2015.

(B/o)

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HON'BLE SRI JUSTICE R.KANTHA RAO

Civil Revision Petition No.2092 of 2015

07th August, 2015.
(Ak)