

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1994 of 2010

ORDER :

This civil revision petition is filed under Article 227 of the Constitution of India, by the plaintiff in the suit in O.S.No.81 of 2008 on the file of Principal Junior Civil Judge, Vijayawada, aggrieved of the order dated 03.02.2010, passed in I.A.No.1490 of 2009.

2. Petitioner/plaintiff has filed the suit for injunction simplicitor, in which, the respondent/defendant has already filed written statement. Seeking leave for filing additional written statement, application in I.A.No.1490 of 2009 is filed under Order VIII, Rule 9 r/w. Section 151 of CPC and the same is allowed by the trial Court.

3. In this civil revision petition, it is contended by the learned counsel for petitioner that by way of additional written statement, additional pleadings are sought to be added contrary to the provisions under Order VIII, Rule 9 CPC.

4. In this case, it is not in dispute that the trial in the suit is not yet commenced and I.A.No.1490 of 2009 is filed before the commencement of trial and the same is allowed. In terms of Rule 9 of Order VIII of CPC, leave is required from the Court for filing additional written statement. In that view of the matter and having regard to

the reasons stated in the impugned order, this Court is of the view that no prejudice is caused to the petitioner due to allowing the application in I.A.No.1490 of 2009 as prayed for. Therefore, I do not find any ground to interfere with the impugned order.

5. The revision is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

6th February 2015

ajr