

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

CIVIL REVISION PETITION No.1882 of 2015

Between:

C.A.Galika Kotwala & Co. Pvt Ltd.,
Mumbai, repled by its Manager (Accounts)
and another.

... Petitioners

And

M/s Sri Kailasanandha Cotton Syndicate
Pvt Ltd., Guntur, repled by its Managing
Director-T.P.Krishna Rao.

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes

2. Whether the copies of judgment may be Yes
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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.....Respondents

< Gist:

> Head Note:

! Counsel for the Petitioners: Sri Ghanta Rama Krishna

^ Counsel for the Respondent: None appeared

? Cases Referred:

1997(5) ALT 663

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.....Respondent

Counsel for the Petitioners: Sri Ghanta Rama Krishna

Counsel for the Respondent: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 02.09.2014, in I.A.No.1018 of 2014 in O.S.No.373 of 2012 on the file of the learned Principal District Judge, Guntur, permitting the respondent to file a rejoinder.

Under Order-VIII Rule-9 of the Code of Civil Procedure, a party shall not file any pleading subsequent to the filing of the written statement of the defendant either by way of a defence to set-off or counter claim, except by the leave of the Court. Though Order-VI Rule-1 C.P.C. has not included rejoinder as a pleading, conventionally, the Courts invariably allow rejoinders to be filed as part of additional pleadings.

This Court in ***Gorantla Kondalarayudu Vs. M/s Marvel Organics, repled., by its Partners, Chirala and others*** held as under:

“Order-8 Rule-9 of C.P.C. should not be confused by reading together that it permits only additional written statement by way of pleadings. Because the expression used therein is ‘that no pleading’ subsequent to written statement shall be filed meaning thereby both plaint and written statement. Pleadings shall mean plaint and written statement as per Order-6 Rule-1 C.P.C. In that context, the pleadings and additional pleadings in Order-8 Rule-9 include the additional plaint also which can be either called as rejoinder or the reply in its real consequences.”

In the light of the above position in law, I do not find any jurisdictional error in the order of the lower Court in permitting the petitioner to file rejoinder. Hence, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition,
CRPMP.No.3277 2015 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

31st July, 2015

Note:

LR copies to be marked.

B/o

DR