

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4952 OF 2011

ORDER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India by the petitioners/ plaintiffs, impugning the order dated 27.07.2011 passed in I.A. No.101 of 2011 in O.S. No.1403 of 2009 on the file of the I Additional Junior Civil Judge, at Visakhapatnam

2) Heard both sides. Perused the material on record what is permitted by the trial Court as subsequent pleading to the written statement is practically within the purview of Order VIII Rule 9 C.P.C.

3) Needless to say, the rigor of Order VI Rule 17 C.P.C has no application to it in granting the leave by the Court and once the trial Court exercised the discretion, for this Court while sitting in revision against the impugned order, there is nothing to show any illegality in exercise of the discretion to interfere, but for to say remedy is left open to file a rejoinder to the plaint in answering the additional written statement pleas, for the trial Court to receive by virtue of this order and to settle any additional issues if arisen therefrom to formulate if issues already settled. It is needless to observe that pleading no way takes the place of proof but for to prove during trial the respective contentions of the parties covered by the pleadings in answering to the issues.

4) Accordingly, the Civil Revision Petition is disposed of. There is no order as to costs.

5) As a sequel, miscellaneous petitions if any pending in this Civil Revision Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.07.04.2016

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