

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.2311 of 2016

ORDER :

This revision is preferred questioning order dated 23.02.2016 in I.A.No.187 of 2012 in O.S.No.1 of 2012 on the file of Senior Civil Judge, Rayachoty.

2. The revision petitioner herein filed the above referred I.A. invoking Rules 8 and 9 of Order VIII C.P.C. requesting the Court to receive additional pleadings as answer to the written statement filed by defendants. The Court below dismissed the application holding that Rules 8 and 9 of Order VIII C.P.C. have no application and aggrieved by the said order present revision is preferred.

3. Heard both sides.

4. Advocate for revision petitioner submitted certain new facts were pleaded in the written statement, therefore plaintiff thought it fit to file additional pleadings in answer to the new facts pleaded in the written statement, but, the Court below did not permit revision petitioner to file additional pleadings. As seen from the Rules 8 and 9 of Order VIII C.P.C., both the Rules are in respect of set-off and counter-claim pleaded by defendant in the written statement. According to these Rules, where set-off or counter-claim is pleaded by defendant, plaintiff has a right to file written statement to the counter-claim or set-off. Admittedly, there is no counter-claim or set-off in the

written statement filed by defendants and only contention is that new facts are pleaded. As rightly observed by the Court below both Rules 8 and 9 of Order VIII C.P.C. are no way applicable as there is no counter-claim or set-off. Advocate for revision petitioner submitted that atleast trial may be expedited as the suit is of the year 2012, for which other side advocate has no objection.

5. Considering the contentions and rival contentions of both parties and also submissions of both side advocates, without going into the merits of the case, revision is disposed of by directing the Court below to expedite the trial of the suit and dispose it as expeditiously as possible, preferably within six months from the date of receipt of this order.

6. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

3rd June 2016.

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