

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.1357 & 1358 of 2016

COMMON ORDER:

These two revisions are filed by the petitioner against the orders dated 03-02-2016 in I.A.No.1162 in O.S.No.827 of 2006 and I.A.No.1163 of 2015 in O.S.No.828 of 2006 on the file of Principal Junior Civil Judge, Nandyal, Kurnool District, respectively, wherein, the Court below allowed the applications in part for framing the additional issues. The petitioner is the plaintiff in both the suits viz., O.S.Nos.827 and 828 of 2006. The common pleas are taken by the respondent/defendant, while filing these applications and the issue being the same i.e. whether the framing of additional issue is correct in both the suits, since both counsel requested to hear both revisions together and as such, they are being heard together and disposed of through common order.

Learned counsel for the petitioner/plaintiff submits that the issue 'Whether oral sale put up by the plaintiff is true, valid and binding on the defendant'? need not be separately framed, as that is already covered by issue No.1 framed initially i.e. whether the plaintiff is entitled for declaration and consequential permanent injunction as prayed for.

On the other hand, learned counsel for the respondent/defendant submits that the plaintiff has set-up a plea of title on oral sale. As such, no prejudice is caused to the petitioner/plaintiff, if the issue is framed. The Court below while passing the judgment will consider this issue along with issue No.1 originally framed.

It is to be seen that admittedly, the plaintiff has stated that he is put into possession by oral sale, if that is the case no prejudice will be caused to the petitioner/plaintiff by framing an additional issue. The Court below after considering the facts and circumstances allowed the application in part permitting to frame the additional issue 'Whether the oral sale set up by the plaintiff is binding on the defendant'? The petition in respect of other issues is dismissed stating that they were covered by

the issues already framed. As such, the Court below has considered the issue in proper perspective and came to conclusion that said issue can be framed as additional issue. Order 14 Rule-5 C.P.C. enables the Court to frame issue in its discretion. As such, the Court below rightly allowed the applications in part and I do not see any infirmity or illegality in the order passed by it.

Accordingly, these revision petitions are dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in these revision petitions, shall stand closed.

A.RAJASHEKER REDDY,J

18-03-2016
Nvl