

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.6460 OF 2016

DATED:30-12-2016

Between:

Chenna Rama Rao
and others

... Petitioners

And

Kukakula Padma
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. P. Veerraju

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.18.10.2016 in I.A. No.1147 of 2016 in O.S. No.292 of 2010, on the file of the VI Additional District Judge, Visakhapatnam.

Though Mr. P. Veerraju, learned counsel for the petitioners, sought to raise several aspects, he has finally submitted that his clients will be satisfied if the lower Court is directed to consider the plea of the petitioners relating to limitation with respect to various reliefs claimed by way of proposed amendments while disposing of the suit taking into consideration the date on which the application for amendment was made.

As the request made by the learned counsel is reasonable, while declining to interfere with the order of the lower Court, the petitioners are permitted to raise the issue of limitation, a mixed question of fact and law, with reference to the various amendments to the pleadings allowed by the lower Court, reckoning the date of filing the application for amendment, and not the date on which the suit was filed, for the purpose of adjudication of the question of limitation.

At the hearing, it is also represented by the learned counsel for the petitioners that the right of the petitioners for filing an additional written statement has been forfeited by the lower Court. The petitioners are permitted to file an additional written statement within two weeks from today. The lower court is directed to receive the additional written statement, if the same is filed within the above stipulated time, ignoring the order, if any, passed by it forfeiting the right of the petitioners for filing an additional written statement.

Subject to the above directions, the civil revision petition is disposed of.

As a sequel to disposal of the civil revision petition, C.R.P.M.P. No.8464 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

30-12-2016

bnr

