

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

CRP.(PD)No.2958 of 2017

1. P.Sukumar
2. P.Sathia Kumar ... Petitioner

vs.

1. P.Siva Kumar
2. D.Duraisingh
3. The Sub Registrar, Virugambakkam
The Sub Registrar's Office,
Virugambakkam
Chennai-92 ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the order of rejection dated 27.02.2017 made in memo dated 13.02.2017 vide SR.No.601 in O.S.No. 138 of 2015 on the file of the learned III Additional District and Sessions Court, Tiruvallur at Poonamallee and set aside the same.

For Petitioner : Mr.C.P.Sivamohan
For Respondent : Mr.R.Sugumaran for R2

ORDER

The Civil Revision Petition is directed against the rejection of a memo for framing additional issues.

2. The learned counsel for the petitioner has drawn the attention of this Court to the pleadings and importance of framing the issues which is sought to be tried in this suit. At the first instance, the petitioner has filed a petition under Order 14 Rule 1 r/w Section 151 C.P.C for framing additional issues.

3. On the instructions of the Court, a memo was filed. However, the same was rejected. Admittedly, the suit is at the beginning stage and the second plaintiff is in the box and cross examination is yet to commence. At this stage, the learned counsel for the petitioner contended that on the instructions of the Court, a memo dated 13.02.2017 was filed on 21.02.2017 and the Court has rejected the memo on 27.02.2017. However, the petitioner came to know about the rejection only when he entered into the box on 12.07.2017. Since the trial has just commenced for filing proof affidavit, it is not too late to frame the additional issues as claimed by the petitioner. The learned counsel appearing for the second respondent does not have any serious objection to the same. Hence, the order passed by Court below in rejecting the memo for framing

additional issues is set aside and the Court is directed to frame additional issues on the basis of the said memo and thereafter conduct the trial.

4. With the above observation, the Civil Revision Petition is disposed of. No Costs.

13.09.2017

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
bsm

To

1. The Additional District Munsif Court, Alandur.
2. The Sub Registrar,
The Sub Registrar's Office,
Virugambakkam,
Chennai-92

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M.GOVINDARAJ.,J.

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