

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.385 of 2017

ORDER : (Oral)

Vide the present petition, petitioner has challenged the order dated 19th December 2016 passed by II Additional Senior Civil Judge (FTC), Guntur, in I.A.No.447 of 2016 in O.S.No.961 of 2014. The petitioner filed the said petition under Order VIII Rule 9 of CPC praying the Court to receive the additional written statement.

2. After hearing counsel for the parties, the trial Court observed that earlier, the petition filed to reopen the matter for the purpose of filing additional written statement vide I.A.No.390 of 2016 was dismissed, inspite of the same, the petitioner filed the present I.A.No.447 of 2016 for the same purpose. The trial Court further observed that through additional written statement the petitioner is trying to introduce new plea by stating that the endorsements on the agreement are forged. It is opined by the Court that Order VIII Rule 9 CPC contemplates that, "no pleading subsequent to the written statement of a defendant other than by way of defence to set off or counter claim shall be presented except by the leave of the Court and upon such terms as the Court thinks fit".

3. I am of the considered opinion that in view of the scope of Order VIII Rule 9 CPC coupled with other reasons as noted above; that the very petition being silent as to why now the petitioner is intending to file additional written statement and the petition disclosing that because he filed a petition under Section 45 of Indian Evidence Act to send the agreement for expert

opinion the petitioner intends to file additional written statement, is against the spirit of Order VIII Rule 9 CPC.

4. Finding no merit in the instant petition, same is accordingly dismissed.

No costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

20th March 2017

ajr

