

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.2691 of 2017

ORDER:

The Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner against the order, dated 17.04.2017, passed by the learned II Additional Senior Civil Judge, Kakinada, in IASR.No.666 of 2017 in O.S.No.75 of 2015.

2. The petitioner herein filed IASR.No.666 of 2017 in O.S.No.75 of 2015 before the learned II Additional Senior Civil Judge, Kakinada, under Order 14 Rule 5 CPC and Section 151 CPC praying to frame additional issues in the suit, wherein the learned II Additional Senior Civil Judge, Kakinada, rejected the said IASR *vide* order, dated 17.04.2017. Aggrieved by the said order, the present civil revision petition is filed by the petitioner.

3. Heard both sides and perused the material available on record.

4. Learned counsel for the petitioner contended that the learned II Additional Senior Civil Judge, Kakinada, has rejected the IASR.No.666 of 2017 in O.S.No.75 of 2015 at the SR stage without there being any reason.

5. Taking into consideration the facts and circumstances of the case and the contentions of the learned counsel for the petitioner, this Court is of the view that the learned II Additional Senior Civil Judge, Kakinada, ought to have numbered the IASR.No.666 of 2017 in O.S.No.75 of 2015. Hence, the impugned order, dated 17.04.2017, is liable to be set aside.

6. Accordingly, the Civil Revision Petition is allowed by setting aside the order, dated 17.04.2017, passed by the learned II Additional Senior Civil Judge, Kakinada, in IASR.No.666 of 2017 in O.S.No.75 of 2015. The learned II Additional Senior Civil Judge, Kakinada, is directed to number the IASR.No.666 of 2017 and pass appropriate orders, in accordance with law, after hearing both sides. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

RAJA ELANGO, J

Date: 23rd August, 2017

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