

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.1280 OF 2010

ORDER:

This Civil Revision Petition is filed against order dated 23.02.2010 in I.A.No.605 of 2009 in O.S.No.56 of 2008, wherein the Court below has dismissed the application filed by the petitioner under Order 8 Rule 9 r/w Section 151 CPC for receiving additional written statement.

Heard learned counsel for the petitioner.

Though notice is served on the respondent, there is no representation on her behalf.

Learned counsel for the petitioner submits that initially written statement was filed denying the title of the respondent/plaintiff. But when it was come to light that the respondent/plaintiff's husband gifted the property to the petitioner/defendant, the same was brought to the notice of the Court by way of additional written statement by filing IA No.605 of 2009 and there are no inconsistent pleadings in the additional written statement.

It is to be seen that the trial Court dismissed the application of the petitioner only on the ground that there are inconsistent pleadings in the additional written statement with that of the original written statement and also observed that the petitioner/defendant has to file separate suit for declaration of title and for recovery of possession.

A perusal of the additional written statement and initial written statement goes to show that there are no inconsistent pleadings. Now, the petitioner/defendant has filed petition only to receive

additional written statement and the other rival contentions of both parties can be considered at the time of final disposal of the suit.

Having regard to the above facts and circumstances, the impugned order of the Court below dated 23.02.2010 in IA No.605 of 2009 in OS No.56 of 2008 is set aside allowing the IA No.605 of 2009.

Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

05-10-2017
kvs



A.RAJASHEKER REDDY,J

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