

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.1094 of 2017

ORDER:

This revision arises out of the refusal of the Court below to frame additional issues as sought for by the 1st defendant.

2. Heard the learned counsel for the petitioner.

3. As rightly pointed out by the trial Court, out of 5 additional issues that the petitioner wanted the trial Court to frame, 4 issues are already framed, but not in the same language as the petitioner wanted them to be framed. In so far as the 5th issue is concerned, it related to court fee.

4. On the valuation of the property, the petitioner made a very vague plea in Para 14 of the written statement about the valuation. The plaintiff had paid fixed court fee under Section 34 (2) of APCF and SV Act, claiming to be in joint possession and enjoyment. Once the plaintiff claims to be in joint possession and enjoyment, the invocation of Section 34 (2) is correct. Therefore, the trial Court was right in dismissing the plea for framing additional issues.

Hence, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 10-03-2017

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