

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition No.723 of 2017

ORDER:

This Civil Revision Petition is filed by the petitioners/plaintiffs aggrieved by the order dated 04.01.2017 in I.A.No.603 of 2016 in O.S.No.74 of 2013 on the file of Senior Civil Judge, Rayachoty wherein the trial Court dismissed the petition filed by the petitioners under Order XIV Rule 5 r/w Sections 94 (e) and 151 CPC for recasting of existing issues.

2) The trial Court dismissed the petition on the main observation that new issues proposed by petitioners/plaintiffs were already covered under the existing issues. The trial Court briefly discussed that aspect and then dismissed the petition. Aggrieved, petitioners/plaintiffs have come up with the present revision. Having heard the learned counsel for petitioners, this Court considers that revision can be disposed of at the admission stage though the matter is under the stage of serving notice on the respondents.

3) As can be seen from the impugned order, the trial Court has discussed about the futility of recasting the issues as the proposed issues were already covered under the existing issues. As such, with the existing set of issues the trial Court can very well proceed with trial and this Court having found no perversity or illegality in the order impugned, dismissed this revision petition.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 30.06.2017
Murthy