

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.397 of 2018

ORDER:

This Revision is filed assailing the order dt.23-10-2017 in I.A.No.504 of 2016 in I.A.No.321 of 2016 in O.S.No.59 of 2016 of the Junior Civil Judge, Sathyavedu.

2. Petitioners are defendants in the suit. The respondent filed the suit for perpetual injunction against the petitioners to restrain them from interfering with his possession and enjoyment of the plaint schedule property.

3. Written statement was filed by petitioners denying the plaint averments setting out in paragraph-7 their version.

4. They then filed I.A.No.504 of 2016 seeking leave to file additional written statement on 21-12-2016 stating that due to inadvertence and mistake, certain important legal pleas and facts were not pleaded in the earlier written statement and they realized this when they were preparing for arguments in I.A.No.321 of 2016 and in the application for appointment of Advocate-Commissioner.

5. This application was opposed by respondent stating that facts have already been pleaded in the written statement in paras-7 and 9 and there is no necessity to permit the petitioners to file additional written statement. It is also contended that no new pleas have been taken in the additional written statement.

6. By order dt.23-10-2017, the Court below dismissed the said I.A. It held that though parties are entitled sometimes to file additional pleadings, it is not a matter of right under Order VIII Rule 9 C.P.C. and that the reasons for seeking to file such additional pleadings have to be properly mentioned and the application now filed by petitioners does not fulfill such requirements.

7. Though learned counsel for petitioners sought to contend that prejudice would be caused to petitioners if they are not allowed to file additional written statement, since in paras-7 and 9 of the original written statement pleadings on fact have already been taken by petitioners, and since learned counsel for petitioners states that his clients wants only to elaborate the said pleas, I am of the opinion that the Court below was right in not granting leave to file additional written statement.

8. Therefore, the Civil Revision Petition is dismissed at the stage of admission. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 25-01-2018

vsv