

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.900 of 2018

Order:

Aggrieved by the rejection of her application under Order VIII, Rule 9 CPC for filing an additional written statement, the defendant in the suit has come up with the above civil revision petition.

2. Heard Mr. Sri Vyas, learned counsel for the petitioner.

3. The suit was one for eviction as well as the recovery of damages. In the original written statement, the petitioner did not raise the question of pecuniary jurisdiction. Therefore, the petitioner filed an application under Order VIII, Rule 9 CPC seeking leave to file additional written statement to raise the question of pecuniary jurisdiction. The same was dismissed by the Trial Court forcing her to come up with the above revision.

4. Though I am not impressed with the other reasons stated in the impugned order, the impugned order is correct on one aspect viz., that the application under Order VIII, Rule 9 CPC was not accompanied by the additional written statement proposed to be filed. A person cannot seek leave to file additional pleading without actually filing a copy of the additional pleading. An open ended leave cannot be sought by a person. Hence, the civil revision petition is dismissed.

The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

16th February, 2018.
Ak



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.900 of 2018



16th February, 2018.
(Ak)