

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No.5646 of 2018

ORDER:

Plaintiffs in O.S.No.178 of 2009, on the file of the learned Additional Senior Civil Judge, Karimnagar, are the petitioners in the present revision, filed under Article 227 of the Constitution of India.

Petitioners instituted the said suit for declaration of title and injunction. When the suit stood posted for arguments, petitioners herein filed an application vide I.A.No.555 of 2018, under the provisions of Order XIV Rule 5 (1) CPC praying the Court below to frame the following additional issues:

1. *Whether the defendant purchased the suit land from Ahmedi Begum under a simple sale deed, dated 06.09.1978, through his father?*
2. *Whether the defendant got regularized the simple sale deed, dated 06.09.1978, executed by Ahmedi Begum and got mutated in his name under R.O.R. vide proceedings file No.B/1109/05-02?*

The said application was contested by the respondent-defendant by way of filing counter. The learned Senior Civil Judge dismissed the said application by way of an order, dated 10.08.2018. This revision challenges the validity and legal sustainability of the said order.

According to the learned counsel for the petitioners, the questioned order is highly erroneous, contrary to law and opposed to the very spirit and object of the provisions of Order XIV Rule 5 (1) CPC.

It is further submitted by the learned counsel that, in order to arrive at a just and reasonable conclusion, the learned Senior Civil

Judge should have allowed the application and the same would not cause any prejudice to the defendant. It is also submitted by the learned counsel that the Court below should not have dismissed the application, on the ground of delay, and the same is contrary to the provisions of Order XIV Rule 5 (1) CPC.

There is absolutely no controversy with regard to the fact that the present suit came to be filed as long back as in the year 2009 and it is also not in controversy that the Court below framed the issues in the year 2009.

A perusal of the impugned order clearly discloses that, while dismissing the application, the learned Judge assigned valid and convincing reasons for arriving at the conclusion. The learned Judge also categorically observed that the first issue already framed would cover both the additional issues. The Court also took note of the fact that the petitioners herein kept quiet for nine years. The Court also further found that there is no need to frame the additional issues.

Learned counsel for the petitioners placed reliance on the judgment of the Apex Court in **MAKHAN LAL BANGAL v. MANAS BHUNTA AND OTHERS**¹ and the said judgment, in the facts and circumstances the case, would not render any assistance to the petitioners herein.

It is settled and well established principle of law that, unless the order suffers from jurisdictional error and patent perversity, the jurisdiction of this Court, under Article 227 of the Constitution of

¹ 2001 SC 490

India, cannot be permitted to be invoked. In view of the same, this Court does not find any merit in the present revision.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

A.V.SESHA SAI,J

22nd October, 2018.
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