

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.5902 of 2018

ORDER:

This Civil Revision Petition is filed against order dated 07.08.2018 in I.A.No.234 of 2018 in OS No.16 of 2008 on the file of VIII Addl.District Judge, Chittoor, wherein and whereby the application filed under Order 14 Rule 5 of CPC to frame additional issues was dismissed.

Learned counsel for the petitioner submits that some of the defendants have been impleaded subsequently, as such, framing of additional issue are necessary, but the Court below without considering the said aspect, dismissed the application.

On the other hand, Sri Sharad Sanghi, learned counsel appearing for the respondents 12, 13 and 19 & 20 submits that already issues are framed and what all the issues that petitioner wanted to be framed are covered by the issues already framed earlier. He submits that the suit is of the year 2008 and after arguments of petitioner are over, they have come up with the present application. He submits that the Court below rightly found that the framing of additional issues is not necessary.

In this case, it is to be seen that admittedly, the suit is of the year 2008 and application for framing of additional issues is filed in the year 2018. The Court below after examining the pleadings framed the issues at the first instance and also additional issues and came to the conclusion that framing of additional is not necessary. A reading of the impugned order goes to show that at page 9, it is observed as follows:

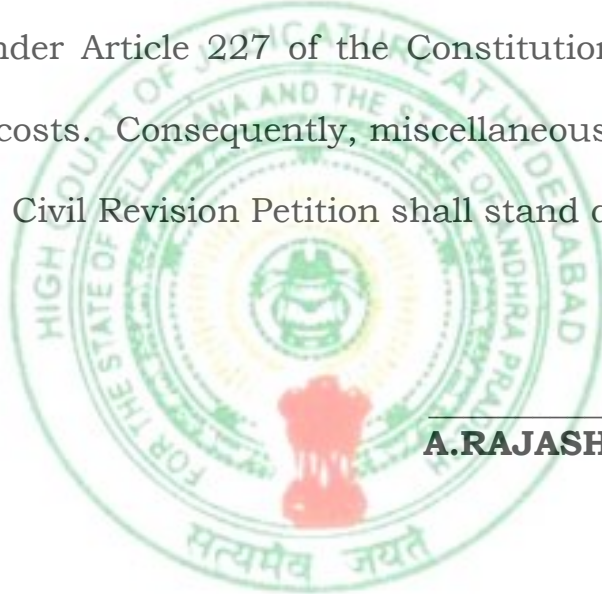
“9. Even though it is contended by the petitioner/plaintiff that the additional issues have to be framed subsequent to adding of defendants 18 to 24, but the petitioner seeking to frame additional issues regarding contention of 11th defendant. The petitioner/plaintiff is very much having knowledge about the issues and additional issues framed by this court and basing on the said issues both the parties adduced their evidence and they did not raise any objection or they did not sought to add additional issues till this court heard the arguments of defendants, but when the matter posted for hearing reply arguments, the petition is filed.”

The Court below has relied on several judgments rendered by this Court and other High Courts and came to right conclusion.

In view of above facts and circumstances, I do not see any error or illegality in the order passed by the Court below warranting interference under Article 227 of the Constitution. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand dismissed.

09.11.2018
kvs

A. RAJASHEKER REDDY, J



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Date: 09.11.2018

kvs

