

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.5759 of 2018

ORDER:

The revision arises out of refusal of the First Appellate Court to frame additional issues for consideration in an appeal.

2. Heard Mr. A. Samir Kumar Reddy, learned counsel for the petitioner. Mr. K. Chaitanya, learned counsel takes notice for the respondent and he is represented by Smt. K. Sesharajyam, learned senior counsel.

3. The first appeal filed by the petitioner herein in A.S.No.21 of 2016 was against the decree for specific performance. Incidentally, it was a curious case of specific performance of a promise made by the father to the daughter at the time of her marriage.

4. The plaintiff succeeded in convincing the court that such a specific performance can be granted and the defendant has filed an appeal. In the appeal, the petitioner wanted to raise two additional issues, the first revolving around the validity of a gift deed of the year 1995 and the second revolving around the question of limitation.

5. In so far as the gift deed is concerned, the trial Court already framed an issue with regard to the truth or otherwise of Ex.A.1 Gift deed. I think that is sufficient to cover the other aspects regarding the validity of the gift deed.

6. In so far as the second issue is concerned, no pleading is found in the written statement regarding limitation. Therefore, the second issue cannot also be raised.

7. I do not think all these issues are necessary at all for the determination of the appeal.

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

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

V. RAMASUBRAMANIAN, J

Date: 05-10-2018

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