

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P.No.6754 OF 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India challenging the order dated 21.08.2017 in I.A.No.1364 of 2017 in O.P.No.498 of 2014 passed by the XXVII Additional Chief Judge, City Civil Court, Secunderabad, dismissing the petition filed under Order VIII Rule 9 C.P.C. to receive subsequent pleadings.

The petitioner filed petition under Order VIII Rule 9 C.P.C. seeking leave of the Court below to file additional counter on the ground that the petitioner collected material papers from the concerned authorities recently, in the original counter, he did not raise certain pleas. However, the Court below passed order refusing leave to file subsequent pleadings under Order VIII Rule 9C.P.C.

During hearing, learned counsel for the petitioner contended that in normal course, the Insurance Company is not receiving any documents from the petitioner or counsel appearing for the petitioner, but only after collecting the papers from the concerned department, they have to file counter. But the insurance company filed counter earlier to receipt of documents in the main O.P., thereafter collection of documents, it necessitated filing of subsequent pleadings.

Order VIII Rule 9 C.P.C. confers power on this Court to permit any party to file subsequent pleadings. But such power can be exercised only in case where a third party is impleaded

under Order 1 Rule 10(2) C.P.C. or pleadings are amended under Order VI Rule 17 C.P.C or any legal heirs of the deceased parties are impleaded under Order XXII C.P.C. Based on collection of documents subsequent to filing of original counter, the petitioner is not entitled to file subsequent pleadings under Order VIII Rule 9 C.P.C. in the absence of any subsequent events that are referred to above. Therefore, the order passed by the Court below is free from any legal infirmity warranting interference of this Court and the Court below rightly declined to file subsequent pleadings under Order VIII Rule 9 C.P.C., thereby the revision petition is devoid of merits and liable to be dismissed.

Accordingly, the civil revision petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY,J

09.02.2018

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