

A. No. 8717 of 2019
in
C.S.No.174 of 2015

SENTHILKUMAR RAMAMOORTHY, J.

This application is filed to recast the issues framed in the above suit on 05.09.2018.

2. I heard the learned counsel for the applicant and the learned counsel for the respondents.

3. The learned counsel for the applicant submits that while framing the issues earlier, issues relating to the maintainability of the suit, mis-joinder of cause of action and mis-joinder of parties and limitation were not taken into consideration and that therefore, the present application is filed.

4. The learned counsel for the respondents submits that he has no objection to the recasting of issues.

5. Upon consideration of the submissions of the learned counsel and on examining the pleadings and the issues framed previously, I am of the view that this application is liable to be

SENTHILKUMAR RAMAMOORTHY, J.

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allowed so as to include the issues relating to maintainability, mis-joinder and limitation. Therefore, this application is allowed and the following additional issues are framed:

(1)Whether the suit as framed is maintainable in law?

(2)Whether the suit is bad for mis-joinder of cause of action and mis-joinder of parties?

(3)Whether the suit claim is barred by limitation?

6. Post before the learned Additional Master-IV on 22.01.2020 for continuation of evidence.

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