

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.67 of 2020

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant, challenging the order, dated 12.12.2019, passed in I.A.No.650 of 2019 in O.S.No.74 of 2018 by the III Additional District Judge, Khammam, whereby, the petition filed by the petitioner/defendant under Order XIV Rule 1(5) read with Section 151 of CPC requesting the Court below to frame additional issues which are relevant to dispose of the matter, by deleting issue No.4 duly framed by the Court below on 03.04.2019, for proper adjudication of the matter, was allowed in part.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the respondent/plaintiff reported no objection to frame the following additional issue in the subject suit

“Whether the suit is barred by limitation?”

4. As per the material placed on record and in view of the submissions made by both the sides, a serious dispute is raised with regard to the point of limitation. In the given circumstances, such an issue is required to be framed and answered by the Court below, for proper adjudication of the

subject dispute. Therefore, in addition to the directions of the Court below in the impugned order with regard to framing of second proposed additional issue and deletion of issue No.4, the following issue is also directed to be framed by the Court below.

“Whether the suit is barred by limitation?”

5. Since there is change/addition in the issues framed in the subject suit, the Court below is directed to give ample opportunity to both the parties to determine the issue framed in this Civil Revision Petition, in addition to the issues already on record.

6. With the above directions, this Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

09th January, 2020

Dr. SHAMEEM AKTHER, J

Note:

Furnish CC by 13.01.2020.

(B/O)

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