



CRP No.533 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.533 of 2024

R.Vasakamalar

... Petitioner

Vs.

1.S.Senguttuvan

2.K.Thangamani

3.M.K.Ramesh

4.S.Malarkodi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned District Munsif Court, Gobichettipalayam to frame additional issues in OS No.172 of 2017 that were circulated by the petitioner vide memo dated 09.08.2023 and which memo was taken on record by the Court below on 09.08.2023.

For Petitioner

: Mr.Nithyaesh Natraj
for Mr. Akash Srinanda V

ORDER

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The civil revision petition is filed for a direction to the learned District Munsif Court, Gobichettipalayam to frame additional issues in OS No.172 of 2017 that were circulated by the petitioner vide memo dated 09.08.2023 and which memo was taken on record by the Court below on 09.08.2023.

2. The petitioner is the third defendant and the first respondent is the plaintiff in OS No.172 of 2017 on the file of the learned District Munsif Court, Gobichettipalayam. The first respondent/plaintiff has filed the suit for partition. In the said suit, the petitioner/third plaintiff has filed a memo on 09.08.2023 for framing additional issues. The Trial Court, received the same on 09.08.2023 and recorded in the court proceedings. However, the Trial Court have not framed additional issues till date. Hence, the petitioner has filed the present civil revision petition for a direction to the concerned trial court to frame additional issues as mentioned in the said memo filed by the petitioner.

3. Learned counsel for the petitioner submits that though the memo



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filed by the petitioner for framing additional issues was taken on record on 09.08.2023 by the trial court, the trial court has not framed any additional. Hence, he seeks for a direction to the concerned trial court to frame additional issues as mentioned in the said memo filed by the petitioner.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of the memo filed by the petitioner/third defendant, it is noticed that petitioner seeks for framing 8 additional issues to adjudicate the dispute between the parties. Further, on perusal of the court proceedings it is noticed that though the court had received the memo for framing additional issue, the Court had not framed any additional issue and also not assigned any reason as to whether the additional issues are required or not. The Trial court had recorded the evidence and posted the case for arguments. Under these circumstances, the Trial Court is hereby directed to go through the memo filed on behalf of the petitioner/third defendant and



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if it is necessary to frame those additional issues to adjudicate the case, the trial court shall frame additional issues and if any other evidence is required for framing additional issues, the trial court shall record the evidence and dispose of the case on merit, as early as possible.

6. With the above directions, the civil revision petition stands disposed of. There will be no order as to costs. Consequently, CMP No.2604 of 2024 is closed.

06.02.2024

Index: Yes/No
Internet: Yes/No
mrn



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To
The District Munsif Court, Gobichettipalayam



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V.SIVAGNANAM, J.

(mrn)

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