



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3889 of 2026

and

CMP No. 17056 of 2026

1. Paramanandham

Petitioner(s)

Vs

1. M.Thambi Raj

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 10.04.2026 passed in IA.No.5 of 2026 in OS.No.607 of 2023 on the file of the IV Additional District Judge, Udumalaipet.

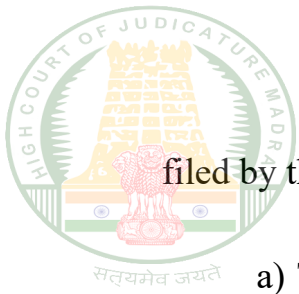
For Petitioner(s): Mr.P.Arumugavel

For Respondent(s): S.Prabhu For Caveator

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 10.04.2026 passed by the IV Additional District Court, Udumalaipet, in I.A. No. 5 of 2026 in O.S. No. 607 of 2023.

2. In the aforesaid order, the application filed by the petitioner, who is the defendant in the suit, seeking leave of the trial Court to file additional written statements, has been dismissed. The trial Court has dismissed the application



filed by the petitioner/defendant for the following reasons:

a) The petitioner had earlier filed an application under Section 45 of the Indian Evidence Act, seeking to compare the signature of the petitioner/defendant as found in the agreement of sale with any other undisputed signature of the petitioner/defendant. The said application came to be dismissed by the trial Court on the ground that no specific plea was made by the petitioner/defendant in his written statement;

b) The order of the trial Court, dismissing the application filed by the petitioner/defendant under Section 45 of the Indian Evidence Act has also been upheld by this Court in C.R.P. No. 6186 of 2025 dated 05.12.2025;

c) Therefore, once again, filing an application at a belated stage, seeking to grant leave for the petitioner/defendant to file a written statement cannot be entertained.

3. The learned counsel for the petitioner drew the attention of this Court to the written statement filed by the petitioner/defendant. He would submit that the petitioner was constrained to file I.A. No. 5 of 2026 since no specific plea was taken in the written statement by the petitioner/defendant that the agreement of sale is a fabricated and forged document and that the petitioner/defendant never signed the agreement of sale. Therefore, he would submit that the trial Court ought to have entertained the application filed by the



petitioner/defendant.

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4. However, as rightly observed in the impugned order, the very same contention was raised by the petitioner/defendant, while filing an application under Section 45 of the Indian Evidence Act to send the agreement of sale filed by the respondent/plaintiffs to an expert, and the said contention was rejected by the trial Court, which was also upheld by this Court in a Civil Revision Petition filed by the petitioner.

5. The application filed by the petitioner has also been filed belatedly, only in the year 2026, whereas the written statement was filed by the petitioner/defendant in the year 2023 itself. Further, it has to be noted that the initial burden to prove the plaintiff's case is with the plaintiff, and only thereafter, the burden shifts to the petitioner/defendant.

6. After giving due consideration to the aforesaid factors, this Court is of the considered view that the trial Court has rightly rejected the petitioner's application by giving sufficient reasons as recorded supra. Therefore, this Court finds that there is no merit in this Civil Revision Petition.

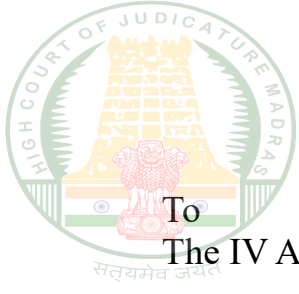


7. Accordingly, this Civil Revision Petition is dismissed. However, it is made clear that the trial Court, while deciding the main suit, shall decide the same uninfluenced by any of the observations made by this Court in this order as well as by the trial Court in the impugned order.

8. Since the suit is of the year 2023 and the suit is in part-heard stage, this Court directs the IV Additional District Court, Udumalaipet, to dispose of the suit in O.S. No. 607 of 2023 within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The IV Additional District Court, Udumalaipet.

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ABDUL QUDDHOSE J.

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