



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.4818 of 2026

and

C.M.P.No.21036 of 2026

Murugesan
S/o.Chinnamoopar

..Petitioner

Vs

Kannan @ Raja
S/o.Ayyakannu Moopar

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 09.03.2026 made in I.A. No.04 of 2025 in O.S. No.264 of 2016 on the file of the learned I Additional District Munsif Court, Kallakurichi.

For Petitioner : Mr.R.Raj Prasanna

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the order passed in I.A.No.4 of 2025 in O.S.No.264 of 2016 dated 09.03.2026 passed by the I Additional District Munsif Court, Kallakurichi, wherein the application filed by the respondent/defendant under Order VIII Rule 9 CPC came to be allowed by the Court below.



2. Heard learned counsel for petitioner and perused the materials available on record. This Court also went through the impugned order.

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3. The petitioner has filed the suit in O.S.No.264 of 2016 seeking for the relief of declaration of title and permanent injunction. Initially, the written statement was filed by the respondent and on completion of pleadings, issues were framed and the trial commenced and evidence on the side of the plaintiff was also over. At this stage, the respondent filed an application under Order VIII Rule 9 CPC seeking additional written statement. The said application came to be allowed by the Court below by order dated 09.03.2026 and aggrieved by the same, the present civil revision petition has been filed.

4. The main ground urged by learned counsel for petitioner is that the respondent in the guise of filing an additional written statement has virtually filled up the lacuna and has introduced new pleadings, which will cause serious prejudice to the petitioner. Learned counsel further submitted that already the plaintiff's side evidence is over and at this stage, this application came to be filed with enormous delay and such an application was filed only with a view to delay the proceedings.

5. The Court below, while dealing with the application filed by the respondent, took note of the fact that the respondent had averred that the second



item of the property belongs to his grandfather and he had two sons and they orally partitioned the property among themselves. The respondent further averred that he being the son of Ayyakannu Moopar is entitled for the second item of the property by virtue of this oral partition. In the additional written statement, the defendant has made an averment that the defendant's grandfather was entitled to the suit property through an Exchange Deed dated 07.02.1964. By virtue of the additional written statement, the respondent had attempted to clarify as to how his grandfather became entitled to the property. The amendment sought for by the respondent does not in any way change the entire stand taken by the respondent before the Court below in the original written statement. The only issue is regarding the delay with which such an application was filed before the Court below. The Court below held that the delay can be compensated by directing the respondent to pay a cost of Rs.5,000/- to the petitioner. In the considered view of this Court, the Court below has properly exercised its discretion while dealing with the application and the order does *per se* suffer from any perversity warranting interference of this Court. If the present revision is entertained and kept pending, it will further delay the disposal of the suit, which was filed as early as in the year 2016. In any event, whatever stand has been taken by respondent/defendant has to be established by them before the Court by letting in evidence. The petitioner will also get a fair chance to controvert the respondent during the defendant's side evidence. Hence, no prejudice as such has been caused to the petitioner.



N.ANAND VENKATESH, J.

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In the light of the above discussion, this Civil Revision Petition is dismissed. There shall be a direction to I Additional District Munsif Court, Kallakurichi, to dispose of the suit in O.S.No.264 of 2016 within a period of four (4) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

14-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To
The I Additional District Munsif Court,
Kallakurichi.

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