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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

C.R.P(MD).No.90 of 2025

and C.M.P(MD).Nos.568 of 2025 and 8517 of 2026

Mary Emalda @ Mary

... Petitioner

Vs

B.Xavier (died)

1.The Secretary,
D.D.382 Nagal Nagar Co-operative Building Society,
Near Police Gm, Y.M.R.Patti,
Man hills Road, Dindigul -1.

2.The Managing Director,
Tamilnadu Housing Board,
No.48, Rithardon Road,
Veppery, Chennai 600 007.

3.Mariyakotti

... Respondents

Prayer: Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to fair and ex-order made in I.A.No.5 of 2024 in O.S.No.168 of 2014 on the file of the Additional Subordinate Court, Dindigul dated 16.10.2024 and set aside the same and thereby allow the revision.

For Petitioner	: Mr.M.Kaliraj
For R1	: Mr.S.Kumar
For R2	: No appearance
For R3	: Mr.V.Muthukamatchi



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ORDER

The civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking permission to file reply statement.

2.The petitioner herein filed a suit for specific performance and for injunction restraining the respondents from interfering with her peaceful possession over the suit property. According to the petitioner, she entered into agreement of sale on 15.01.2005 with the first defendant for a sale consideration of Rs.7,00,000/-. The entire sale consideration was paid on 16.05.2007 and the petitioner/plaintiff was put in possession of the property under the agreement. Later, there was misunderstanding and the defendants attempted to interfere with the possession of the petitioner and also refused to act in accordance with the terms of agreement. Hence, the aforesaid suit was filed.

3.The respondents filed a written statement denying the very execution of agreement. They have also taken a plea that the plaintiff was in possession of the property under permission.

4.Pending suit, the first defendant died. Thereafter, the fourth respondent, his wife, was brought on record as legal representative. She



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also filed a written statement on 19.10.2022 supporting the averment made in the written statement filed by the first defendant. Thereafter, the instant application has been filed by the petitioner seeking permission to file reply statement and the same was dismissed. Aggrieved by the same, the petitioner has come before this Court.

5.The learned counsel appearing for the petitioner would submit that in the written statement filed by the fourth defendant, she raised ceratin new plea, in order to explain the same, the petitioner /plaintiff wanted to file reply statement and the same was erroneously dismissed by the Trial Court.

6.A perusal of the typed set of papers would indicate that the written statement of the fourth defendant was filed on 19.10.2022 and thereafter, recording of evidence commenced and plaintiff's side evidence was closed on 07.10.2023. Later, the present application has been filed on 02.11.2023 seeking permission to file reply statement.

7.It is settled law that reply statement can be filed only in cases where a new question of fact has been introduced in the written statement. In the case on hand, the defendants denied the execution of sale agreement and pleaded that the petitioner /plaintiff was permitted to



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occupy the suit property as a permissive occupant. In the original plaint itself, the petitioner/plaintiff pleaded about the character of her possession. It was a specific case of the plaintiff that she was put in possession of the property under the sale agreement. In such circumstances, absolutely, there is no need for the petitioner to file any reply statement.

8. Even assuming some new facts were introduced in the written statement filed by the fourth defendant, as mentioned earlier, the same was filed as early as 19.10.2022. Thereafter, the petitioner has not filed any application seeking permission to file reply statement. She participated in the trial and evidence on her side was already closed, at this blated stage, the petitioner/ plaintiff is not entitled to seek permission to file reply statement, that too without any justification. The Trial Court rightly dismissed the application filed by the petitioner. I do not find any error in the impugned order. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.07.2026

NCC : Yes/No
Index : Yes/No
Rmk



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To

- 1.The Additional Subordinate Judge, Dindigul.
- 2.The Section Officer,
VR Section, Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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