



C.R.P.(MD).No.2212 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P(MD) No.2212 of 2026

and

C.M.P(MD) No.10580 of 2026

Akbar

... Petitioner

Vs.

1.Ammajan

2.Malaichamy

...Respondents

Prayer : Civil Revision Petition under Section 115 of Civil Procedure Code, to call for the records and set aside the fair and decreetal order dated 21.07.2026 in I.A.No.5 of 2026 in O.S.No.49 of 2023 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppuvanam and allow the Civil Revision Petition.

For Petitioner

: Mr.B.Prasanna Vinoth

ORDER

The Civil Revision Petition is filed challenging the order passed by the learned District Munsif-cum-Judicial Magistrate, Thiruppuvanam in I.A.No.5 of 2026 in O.S.No.49 of 2023, dated 21.07.2026 dismissing the application filed



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by the petitioner seeking reception of the reply statement.

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2. The petitioner herein filed a suit for bare injunction against the respondents. The trial in the suit has already commenced and the plaintiff's side evidence was closed and now, it is at the stage of defendants' side evidence. At this stage, the petitioner filed the instant application seeking reception of the reply statement. The same was dismissed by the Trial Court vide order dated 21.07.2026. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that there was a prior litigation between the petitioner's vendor and the respondents/defendant, wherein the petitioner's title was upheld. In order to include those facts in the pleadings, the petitioner wants to file a reply statement and the same was erroneously dismissed by the Trial Court.

4 . It is settled in law that the plaintiff is entitled to file a reply statement only as a response to the new facts pleaded by the defendants. In the application filed by the petitioner seeking leave of the Court to file a reply statement, the petitioner has not stated any reason for filing the reply statement. In other words, it is not the case of the petitioner that certain new facts were pleaded by the defendants in their written statement and therefore, he is compelled to file a



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reply statement by way of response. The petitioner filed a suit for bare injunction. According to him, the title of his vendor was already upheld in a prior litigation. It is always open to the petitioner to produce those documents relating to the earlier litigation before the Trial Court and conduct his case. The reply statement sought to be filed by the petitioner is not at all necessary in the absence of anything to show that the defendants raised a new case and the petitioner wants to respond to the case raised by the defendant in the written statement. The Trial Court rightly dismissed the application filed by the petitioner. I do not find any error in the said order and, accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

06.08.2026

NCC : Yes / No
Index : Yes / No
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S.SOUNTHAR, J.

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