

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

CRP.PD.No.3620 of 2015 and
M.P.No.1 of 2015

Parthiban

.. PETITIONER

Vs

1. Chandra
2. Andal
3. Danapakkiam
4. Vasanthi
5. Vasantharajan
6. Arumugam
7. Natarajan
8. Balammal @ Kamatchi
9. Rathinarasu
- 10.Kannappan
- 11.Chandrambal

.. RESPONDENTS

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 24.07.2015 made in I.A.No.683 of 2015 in O.S.No.20 of 2008 on the file of the III Additional District Judge, Puducherry.

For petitioner : Mr.D.Ravichander

For Respondents : ...

O R D E R

The Revision Petitioner is the 6th defendant in O.S.No.20 of 2008 on the file of the learned III Additional District Judge, Puducherry. The Revision Petitioner filed I.A.No.683 of 2015 in O.S.No.20 of 2008 under Order VIII Rule 9 read with Section 151 of Cr.P.C. to receive additional written statement. The trial court passed an order dated 24.07.2015 in I.A.No.683 of 2015 in O.S.No.20 of 2008 rejecting the same. This Civil Revision Petition is against the above said order.

2. Heard the learned Counsel for the petitioner.

3. The Revision Petitioner/6th defendant already filed a written statement. After framing of issues, the plaintiff side evidence was over. As per the order that is questioned before this Court, the 6th defendant is to lead evidence. At this stage, the revision petitioner/6th defendant sought to lead fresh pleading by way of filing additional written statement. Taking into account the aforesaid fact, the trial court rejected the application.

4. In this regard, it is useful to extract para 7 in the order of

the learned III Additional District Judge, Puducherry in I.A.No.683 of 2015 in O.S.No.20 of 2008 which reads as follows:

"7. I have perused the records. Case is pending for D6 side evidence. During cross-examination of P.W.1 and DW2 certain new facts were elicited and in order to support it, petitioner wants to file additional written statement. Those facts were not found in the original written statement. So it is clearly an abuse of process of law. As per 2010(5) CTC 198: Additional Written Statement – When admissionis original written statement are not wiped out and remain intact and no prejudice will be caused to plaintiff, liberal approach is to be adopted by courts. In the present case, the additional written statement is an abuse of process of law and it is clearly stated by plaintiffs that it would adversely affect his rights. Further, it is filed in a highly belated stage. The intention of the petitioner is to drag on the proceedings. Hence, petition is dismissed. No costs."

5. I find no infirmity with the same.

D.HARIPARANTHAMAN, J.

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6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

08.09.2015

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To
III Additional District Judge, Puducherry.

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