

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2015

C O R A M

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.950 OF 2015
AND M.P.NO.1 OF 2015

Palanisamy ... Petitioner

Vs.

Jayalakshmi ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against against the fair and decreetal order dated 19.12.2014 passed in I.A.No.991 of 2014 in O.S.No.339 of 2005 by the learned District Munsif, Tiruppur.

For Petitioner : Mr.K.Govi Ganesan

ORDER

This Civil Revision Petition is directed against the order dated 19.12.2014 passed in I.A.No.991 of 2014 in O.S.No.339 of 2005 by the learned District Munsif, Tiruppur.

2.The fourth defendant in O.S.No.339 of 2005 is the petitioner in this Civil Revision Petition. The respondent had instituted the suit against the petitioner and five others for partition claiming 1/4th share in the suit property and for separate possession. After institution of the suit, the plaintiff filed an application for amendment seeking to include the right to preemption against the defendants. The said application was allowed on 24.11.2012.

3.Subsequently, the parties have let in oral and documentary evidence. When the suit was posted for arguments, the petitioner filed an application in I.A.No.991 of 2014 under Order VIII Rule 9 read with Section 151 of the Civil Procedure Code to receive additional written statement. The application was resisted by the respondent. The Trial Court dismissed the application on 19.12.2014 stating that it was filed at the belated stage only to protract the proceedings in the suit. Aggrieved by the order, the present Civil Revision Petition is filed.

4.Mr.K.Govi Ganesan, learned counsel for the petitioner submitted that the petitioner should be given opportunity to file written statement and due to inadvertence, the application could not be filed immediately. The non-filing of the additional written statement came to the knowledge of the petitioner only during the preparation of the arguments by the counsel.

5.It is seen that the respondent filed the suit on 13.06.2005 and the amendment petition was allowed on 24.11.2012. When the suit was posted for arguments, the petitioner filed the application on 28.10.2014. The Trial Court rightly dismissed the application holding that the application was filed at a belated stage and there is no merit in the application. Hence, I do not find any reasons to interfere with the order impugned in this Civil Revision Petition.

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

24.03.2015

Index : Yes/No
Internet : Yes/No
TK

To

The District Munsif Court
Tiruppur.

K.KALYANASUNDARAM, J.
TK

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