IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2015

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

C.R.P.(PD).No.1937 of 2013
& M.P.No.1 of 2013

S.Swamiappan .. Petitioner

Vs.

1. K.S.Chinnasamy
2. Bhakthavatchalam .. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 04.02.2013 in I.A.No.484 of 2012 in O.S.No.500 of 2008 on the file of the Second Additional District Munsif Court, Erode.

For petitioner : Mr.V.Raghavachari
For respondents: Mr.N.Manokaran for R-1

ORDER

This Civil Revision Petition is filed against the order dated 04.02.2013 passed by the learned Second Additional District Munsif, Erode in I.A.No.484 of 2012 in O.S.No.500 of 2008, dismissing the application filed by the revision petitioner/plaintiff to permit him to file reply statement.

2. Learned counsel for the revision petitioner/plaintiff contended that the the first respondent/D1 has filed written statement denying the averments of the

plaintiff, for which, the revision petitioner/plaintiff has filed a petition to permit him to file a reply statement substantiating his contentions. The lower Court, without any valid reason, dismissed the application and hence, the learned counsel prayed that the impugned order may be set aside, the Civil Revision Petition may be allowed and the reply statement of the plaintiff may be received.

3. Learned counsel for the first respondent/D1 contended that there is no reason to interfere with the impugned order of the Court below and prayed that the Civil Revision Petition may be dismissed.

4. Heard the learned counsel for the revision petitioner/plaintiff and the learned counsel for the first respondent/D1 and perused the materials available on record.

5. It is seen that the suit is filed for cancellation of sale deed and for permanent injunction. The first respondent/D1 has filed written statement. The Court below dismissed the application filed by the revision petitioner/plaintiff seeking permission to file reply statement, on the ground that the plaintiff has filed the application to deny each and every allegations made in the written statement without any explanation. It is to be noted that the plaintiff has every right to deny the allegations contained in the written statement of the defendant. The above observation of the Court below, cannot be a valid ground to dismiss the application seeking permission to receive the reply statement of the plaintiff.

6. Hence, the impugned order of the Court below is liable to be set aside. Accordingly, the same is set aside. The Civil Revision Petition is allowed. The

reply statement of the revision petitioner/plaintiff shall be received and the Court below is directed to conclude the trial within a period of three months from the date of receipt of a copy of this order. No costs. The Miscellaneous Petition is closed.

16-12-2015

Index: Yes/no

Internet: Yes/no

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Copy to

The Second Additional District Munsif, Erode.

G.CHOCKALINGAM,J

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