

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP(PD)No.2211 of 2014
and M.P.No.1 of 2014

1. Aswatha Reddy
2. Sreenivasa Reddy
3. Chinnamma @ Lalithamma
4. Vasantha
5. Amaravathi
6. Sakunthala
7. Padma
8. Prabavathy

... Petitioners

Versus

Goopalli Reddy (died)

1. Krishna Reddy
 2. Anjina Reddy
 3. Chinnamma
 4. Yasodha
 5. Nalina
 6. Muni Thayamma
 7. Rama Reddy
 8. Gopala Reddy
 9. Govinda Reddy
 10. Venkata Reddy
 11. Krishna Reddy
 12. Chandra Reddy
 13. Muniswamy Reddy
 14. Muni Reddy
 15. Prabakar Reddy
 16. Suseelamma
 17. Chinnamma
 18. Suseelamma
 19. Minor Arekha
 20. Minor Anitha
- (Minor respondents 19 and 20)

are represented by his mother
Suseelamma/18th respondent)

21. Papamma

22. Anjina Reddy

23. Hanuma Reddy

24. Venkatamma

25. Hanumaiah

26. Shankar Reddy

27. Geetha

... Respondents

This petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 24.01.2014 made in I.A.No.498 of 2013 in O.S.No.23 of 2003 on the file of the learned Subordinate Judge, Hosur.

For Petitioners	:	Mr.V.Nicholas
For R1 to R27	:	No appearance

ORDER

The respondents filed a suit for partition. The suit was contested by the petitioners herein by filing written statement. The Trial Court took the matter for evidence. The petitioners cross examined the witnesses on the side of the respondents and thereafter adduced evidence. The witnesses were cross examined by the learned counsel for the respondents. Thereafter, the petitioners filed an application for receiving additional written statement. The learned Trial Judge dismissed the application. Feeling aggrieved, the petitioners are before this Court.

2. The petitioners filed an application in I.A.No.498 of 2013 on 29.08.2013 on the ground that correct particulars were not given by the second defendant

who was entrusted with the task of filing written statement.

3. The factual matrix indicates that the application was filed only after the completion of trial. In case, the petitioners were of the view that correct particulars were not given in the written statement filed by the second defendant earlier, they should have filed the application well before filing the affidavit of chief examination. The affidavit of chief examination was prepared in the light of the written statement filed by the second defendant. The present petition filed by the petitioners herein was therefore only an after thought.

4. The learned Trial Judge was therefore correct in dismissing the application in I.A.No.498 of 2013. I do not find any error or illegality in the order passed by the learned Trial Judge, warranting interference, by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

5. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

26.09.2016

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K.K.SASIDHARAN, J.

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To

The Subordinate Judge,
Hosur.

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