

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMAINAM

C.R.P.(P.D.) No.640 of 2014

and

M.P.No.1 of 2014

1.S.Sumathi

2.R.Sivaramakrishnan

... Petitioners

Vs.

Muralidharan

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 20.01.2014 in I.A.No.88 of 2013 in O.S.No.131 of 2012 on the file of the Sub Court, Gobichettipalayam.

For Petitioners : Mr.M.Lokesh for
for Mr.Pa.M.Thangavel
For Respondents : Mr.P.Parthi Kannan for
Mr.A.K.Kumarasamy

ORDER

This Civil Revision Petition is filed to set aside the fair and final order dated 20.01.2014 made in I.A.No.88 of 2013 in O.S.No.131 of 2012 passed by

the Sub Court, Gobichettipalayam.

2.The respondent/plaintiff has filed O.S.No.131 of 2012 on the file of the Sub Court, Gobichettipalayam, seeking for declaration and permanent injunction. The petitioners/defendants have filed I.A.No.88 of 2013 in O.S.No.131 of 2012 to receive additional written statement.

3. The learned counsel appearing for the petitioners would submit that the trial court has considered the petition and categorically finds that the written statement was filed on 20th February 2007 and the trial was commenced and the plaintiff's side evidence was closed on 17.12.2009 and the case was posted for examination of the defendant's side evidence and at that point of time the petitioners filed the petition seeking permission of the trial court through the additional written statement and the same was filed on 28.01.2013. Even after a lapse of more than four years and more specifically after completion of the examination of witnesses on the side of the plaintiff. Therefore, the trial court has rightly rejected the petition seeking permission to file an additional written statement and parties are not at liberty to improve the case after completion of trial on the side of the plaintiff.

4. The petition before the trial court is filed only with a view to protract the suit and hence such an attitude of parties can never be encouraged by this court. The trial court rightly rejected the claim of the plaintiff and there is no illegality or infirmity in the order passed by the trial Court. Accordingly, the order passed in I.A.No.88 of 2013 in O.S.No.131 of 2012 is confirmed and civil revision petition is hereby dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2016

Index : Yes/No
Internet : Yes/No
kkd

To

The Sub Court,
Gobichettipalayam.

S.M.SUBRAMANIAM,J.

kkd

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