

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P. (PD) NO.4739 OF 2015
AND M.P.NO.1 OF 2015

Velan

... Petitioner

Vs.

Kunjammal

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order made in I.A.No.1191 of 2014 in O.S.No.829 of 2004 dated 23.06.2015 on the file of the District Munsif Court, Pollachi.

For Petitioner	:	Mr.C.Veerarahavan
For Respondent	:	No appearance

ORDER

This Civil Revision Petition is directed against the order dated 23.06.2015 in I.A.No.1191 of 2014, whereby and whereunder, the learned Trial Judge dismissed the application filed by the petitioner to receive an additional written statement.

2. Heard the learned counsel for the petitioner. None

appears on behalf of the respondent in spite of printing her name in the cause list after service.

3. There is no dispute that the petitioner along with the second defendant filed a written statement as early as on 28 September 2004. The petitioner and the other defendants have indicated the defence in the written statement. Thereafter, the parties went to trial. It was only after the commencement of the trial, the petitioner filed an application in I.A.No.1191 of 2014 with a contention that he has not authorised the defendants 1 and 2 to file written statement with incorrect statement. The learned Trial Judge having found that there is a clear admission with regard to the right pleaded by the respondent and as such, the petitioner cannot be permitted to file an additional written statement withdrawing the admission already filed.

4. The written statement originally filed on 28.09.2004 contains certain admissions. The attempt of the petitioner in filing I.A.No.1191 of 2014 appears to be to overcome the admission made in the written statement filed earlier. The learned Trial Judge having found that valuable right has already been accrued to the respondent, rightly dismissed the application. I do not find any error or illegality in the order

passed by the learned Trial Judge warranting exercise of supervisory 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.

19.10.2016

Index : Yes/No
Internet : Yes/No
TK

To

The District Munsif Court
Pollachi.

K.K.SASIDHARAN, J.

TK

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