

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1595 of 2016
and
C.M.P.No.8682 of 2016

Ramasamy Gounder

... Petitioner

VS

1.Pongiammal
W/o.Ramasamy Gounder

2.Vijayeshwari
W/o.Nataraj

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Subordinate Judge, Gobichettipalayam, Erode District, passed in I.A.No.604 of 2014 in O.S.No.106 of 2013 on 06.07.2015.

For Petitioner : Mr.I.C.Vasudevan

ORDER

This revision arises against the order of learned Subordinate Judge, Gobichettipalayam, Erode District, passed in I.A.No.604 of 2014 in O.S.No.106 of 2013 on 06.07.2015.

2. Respondents/plaintiffs filed O.S.No.106 of 2013 on the file of learned Subordinate Judge, Gobichettipalayam, Erode District, seeking the relief of partition and separate possession. Petitioner/defendant filed I.A.No.604 of 2014 towards receiving additional written statement. Such application came to be dismissed under order dated 06.07.2015. Hence, this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the application, the Court below has observed that the application has been moved at the stage of cross-examination of PW-1 and the contentions in the additional written statement are contra to that in the original written statement. On a perusal of both the original written statement as also the one sought to be additionally filed, this Court finds that the Court below is right in informing that one contradicts the other.

Finding no error in the order of the Court below, the Civil Revision Petition shall stand dismissed. It would always be open to the petitioner to raise a contention in law at any stage of the action. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2016

Index:yes/no
Internet:yes
gm

To

The Subordinate Judge,
Gobichettipalayam,
Erode District.

C.T.SELVAM, J

gm

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