

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1948 of 2016
and
C.M.P.No.10185 of 2016

A.Gnanasambantham

.. Petitioner

.Vs.

1.Murugammal
2.Ponnusamy

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
, praying to set aside the fair and final order dated 15.12.2015 made in
I.A.No.45 of 2015 in O.S.No.34 of 2012 on the file of the Sub court, Sankari.

For petitioner : Mr.T.Murugamanickam

ORDER

This revision challenges the order of learned Sub Judge, Sankari, passed
in I.A.No.45 of 2015 in O.S.No.34 of 2012 on 15.12.2012.

2. Respondents/plaintiffs have filed O.S.No.34 of 2012 on the file of learned Sub Judge, Sankari, seeking recovery of money and permanent injunction. Petitioner/defendant has filed I.A.No.45 of 2015 in O.S.No.34 of 2012 to receive an additional written statement. The Court below, under orders dated 15.12.2015, dismissed such application. Hence, this revision.

3. Learned counsel for petitioner submits that as there was dispute over possession of property, it is necessary for the petitioner to assert has possession of the property in question and as such, he has sought to file additional written statement which has been dismissed by the order impugned.

4. In dismissing the said application, the court below has taken into consideration that the written statement has been filed on 25.11.2013 and issues were framed on 01.09.2014 and that the matter was listed on 09.12.2014. P.W.1 had been examined, matter has been adjourned for cross and it is only thereafter the petitioner had moved the petition, Court below saw the conduct of the petitioner to be negligent and belated. This Court finds no error in the order under challenge.

5. The Civil Revision Petition is dismissed. No costs. Consequently connected Civil Miscellaneous Petition is closed.

12.07.2016

kkd

Index : Yes/No

Internet : Yes/No

C.T.SELVAM, J

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