

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2338 of 2016

and

C.M.P.No.12032 of 2016

1.Shanmuga Sundari @ Kanaga
D/o.Selvaraj

2.V.Palanisamy
S/o.Vaiyapuri

... Petitioners

VS

1.Palaniammal
W/o.Late Kuttipaiyan @ Karuppagounder

2.Devarasu
S/o.Late Kuttipaiyan @ Karuppagounder

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Principal District Munsif, Tiruchengode, passed in I.A.No.799 of 2014 in O.S.No.155 of 2012 on 12.02.2015.

For Petitioners : Mr.P.Valliappan

ORDER

This revision arises against the order of learned Principal District Munsif, Tiruchengode, passed in I.A.No.799 of 2014 in O.S.No.155 of 2012 on 12.02.2015.

2. Petitioners/plaintiffs have filed O.S.No.155 of 2012 on the file of learned Principal District Munsif, Tiruchengode, seeking permanent injunction. Therein, respondents/defendants have filed written statement informing that the plaintiffs had nothing to do with the suit property and defendants 2 and 3 were entitled thereto, they have been succeeded thereto through ancestral succession. Respondents/defendants 1 and 3 moved I.A.No.799 of 2014 seeking permission to file an additional written statement. On such application being allowed under orders dated 12.02.2015, petitioners/plaintiffs have preferred the present revision.

3. Heard learned counsel for petitioners.

4. Learned counsel for petitioners submitted that in the original written statement, the defendants had informed of defendants 2 and 3 being entitled

to property through ancestral succession but in the additional written statement, the defendants had stated that the suit property is a self acquired property of the father-in-law of first defendant and paternal grand father of defendants 2 and 3. Learned counsel for petitioners submitted that the defendants filed application to file additional written statement after the evidence of PW-1 has been commenced.

This Court does not find any illegality or irregularity in the order under challenge which requires exercise of power u/s.115 of the Civil Procedure Code and hence, will not interfere with the order under challenge. The Civil Revision Petition shall stand dismissed. Revision petitioners/plaintiffs may now be permitted to file a reply statement within a period of four weeks from the date of receipt of this order. Revision petitioners/ plaintiffs may also move necessary application for recall of PW-1 for her further examination. Petitioners shall be permitted to file additional proof affidavit to meet the contentions raised in the additional written statement. No costs. Connected miscellaneous petition is closed.

02.08.2016

Index:yes/no
Internet:yes
gm

C.T.SELVAM, J

gm

To
The Principal District Munsif,
Tiruchengode.

Civil Revision Petition (PD) No.2338 of 2016

02.08.2016