

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.R.P (PD) No.3366 of 2013

Subbarayan

... Petitioner

Vs.

Jegatheeswaran

... Respondent

Civil Revision Petitions filed under Section 115 of the Code of Civil Procedure against the order dated 11.07.2013 and made in I.A.No.21 of 2013 in O.S.No.65 of 2012 on the file of the Sub-ordinate Judge, Neyveli, Cuddalore District.

For Petitioners : Mr.A.Arasu Ganesan

For Respondents : Mr.K.Newlin Frederick

ORDER

The fair and decretal order dated 11.07.2013, and made in I.A.No.21 of 2013 in O.S.No.65 of 2012 on the file of the Sub-ordinate Judge, Neyveli, Cuddalore District, are under challenge in this revision. The revision petitioner is none other than the defendant in the suit, whereas the respondent is the plaintiff.

2. It appears from the records that the respondent/plaintiff had filed the above said suit for recovery of money to the extent of Rs.2,75,000/-. The revision petitioner had contested the suit by filing his written statement stating that he did not know as to who was the plaintiff and that he never executed the suit promissory note as there was no need for him to borrow the suit amount.

3. It is also revealed from the records that after formulating necessary issues, three witnesses were examined on behalf of the plaintiff. Subsequently, PW1 was recalled and examined. Only under this circumstance, i.e., prior to the commencement of the defendant's side evidence, the revision petitioner/defendant came forward with an application I.A.No.21 of 2013 under Order VIII Rule 9 CPC seeking leave to file additional written statement.

4. On perusal of the grounds of revision as well as the reason for filing the additional written statement and also on a combined reading of the earlier written statement with the additional written statement, this Court is of view that no new grounds are stated in the additional written statement. Therefore, this Court finds that the revision petition is devoid of any merit and hence liable to be dismissed.

Accordingly, the revision petition is dismissed and the impugned order dated 11.07.2013 is confirmed. The trial Court is directed to dispose the suit in O.S.No.65 of 2012 within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

14.11.2016

gpa

To

The Sub-ordinate Judge
Neyveli, Cuddalore District.

T.MATHIVANAN.J.,

gpa

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