

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

C O R A M

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

CRP(PD).NO.362 OF 2012 and M.P.No.1 of 2012

Seetha

... Petitioner

Versus

1.Kaliyaperumal
2.Ponnambalam
3.Narayanan
4.Sivakumar
5.Ravichandran
6.K.P.Chidambaram

... Respondents

Criminal Revision Petition filed under Article 227 of the Constitution of India praying against the order and decreetal orders dated 20.09.2011 passed in I.A.No.70/2011 in O.S.No.66 of 2007 on the file of the Sub Court, Panruti.

For Petitioner	...	Mr.P.Mani
For Respondents	...	Mr.K.Moorthy for R1 to R5 (Caveator) No appearance for R6

ORDER

This Civil Revision Petition is filed against the order made in I.A.70 of 2011 in O.S.No.66 of 2007 dated 20.09.2011 on the file of the Sub

Court, Panruti.

2. The short facts stated by the petitioner is that, she filed O.S.No.66 of 2007 on the file of the Sub Court, Panruti, seeking for declaration of title and recovery of possession. The respondents/defendants filed their written statement in the suit and issues were framed. Thereafter the petitioner/plaintiff filed proof affidavit and the matter was posted for cross examination. At this point of time the petitioner/plaintiff filed a I.A.No.70 of 2011 seeking permission of the Court to file a reply statement to the written statement filed by the defendants. The petition was rejected by the Court below on the ground that several opportunities were granted in this matter and after a lapse of three years the plaintiff filed the petition to file the reply statement. Further the case was posted for cross examination on many occasions and the respective parties had not cooperated for the disposal of the suit. Therefore, the petitioner/plaintiff is not entitled to file any reply statement and on that ground the petition is dismissed.

3. The learned counsel for the petitioner contented that the petitioner alone is not responsible for the delay in filing the reply

statement since the evidence of the defendants are not taken so far and the proof affidavit of the plaintiff alone has been filed and by giving an opportunity to file the reply statement, the rights of the parties will not be affected.

4. In contra, the learned counsel for the respondent argued that the reasons assigned by the Court below are sound and cannot be brushed aside. The Court below rightly considered the delay in the proceedings with the suit at the instance of the petitioner/plaintiff and therefore, the civil revision petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner/plaintiff and the learned counsel for the respondents/defendants.

6. Considering the facts and circumstances and the submissions made by the learned counsel appearing for both petitioner and respondents this court is of the firm opinion that equal and meaningful opportunities are to be given to all the parties concerned during the adjudication of the civil suit by the trial Court. The fact remains that the learned counsel for the respondents/defendants admitted that the

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defendants' evidence is yet to be commenced. Therefore no prejudice would be caused to the respondents/defendants in the event of permitting the petitioner/plaintiff to file the reply statement for the written statement.

7. In view of this fact an order passed by the Sub Court, Panruti, on 20.09.2011 in I.A.No.70 of 2011 in O.S.66 of 2007 is set aside and the civil revision petition is allowed. The respective learned counsel for the parties made a submission that they are ready and willing to cooperate for the speedy disposal of the suit. Therefore, the trial Court is directed to dispose of the suit as early as possible preferably within a period of nine months, from the date of receipt of a copy of this order. No costs. Consequently Miscellaneous Petition is also closed.

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Index : Yes / No
Internet : Yes / No
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To
The Sub Court, Panruti.

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