



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1283 of 2016

and

C.M.P. (MD) No.6134 of 2016

Panneerselvam .. Petitioner/Petitioner/Defendant

vs.

Sekkappan .. Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the decreetal order and fair order in I.A.No.853 of 2014 in O.S.No.3 of 2001, dated 27.01.2016 on the file of the Sub Court, Pudukottai.

For Petitioner : Mr.V.Singan

ORDER

This revision arises out of the order passed by the Sub Court, Pudukottai in I.A.No.853 of 2014 in O.S.No.3 of 2001.

2.The respondent filed a suit in the month of November, 2000 based on mortgage. The suit is being contested by the petitioner by filing a written statement. The petitioner was set exparte and an exparte decree was passed against him on 21.09.2005. During the pendency of the final decree application, the preliminary decree was set aside. Subsequently, trial had commenced in the suit on 10.12.2013. When the suit was adjourned for cross-examination of P.W.1 by the petitioner, an application in I.A.No.853 of 2014 was filed seeking permission to file additional written statement. The learned Judge dismissed the application. Aggrieved over the same, the present revision is filed.

3. Mr.V.Singan, learned counsel appearing for the petitioner would submit that the petitioner has already stated in his original written statement that the plaintiff is doing Kanthuvatti business and the defendant was regularly paying installments, which is also recorded in the hand passbook and the trial Court allowed to produce the passbook on payment of cost of Rs.1,000/-. However, dismissed the application without any valid reason.



4. It is seen that the suit was filed in the year 2000 and an ex-parte decree was passed against the petitioner in the year 2005 and after a lapse of 14 years, this application was filed when the suit was posted for cross-examination of P.W.1. I do not find any reason to set aside the order impugned in this revision.

5. In fine, this Civil Revision Petition is dismissed. It is open to the petitioner to produce evidence based on the pleadings in the original written statement. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To
The Subordinate Judge, Pudukottai.

+1 CC to Mr.V.SINGAN, Advocate, SR No.33705

C.R.P (MD) No.1283 of 2016
and
C.M.P (MD) No.6134 of 2016
27.06.2016

ps
SH/SKS-RR:02.08.2016:2P/3C