



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) Nos.561 and 562 of 2016 (PD)
and
C.M.P. (MD) .Nos.2419 and 2420 of 2016

M.Rengasamy

.. Petitioner in both petitions

Vs.

Nagalakshmi

.. Respondent in both petitions

Common Prayer : These Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 02.11.2015, made in I.A.Nos. 471 and 472 of 2015 in O.S.No.231/08, on the file of the learned Additional Sub Judge, Karur.

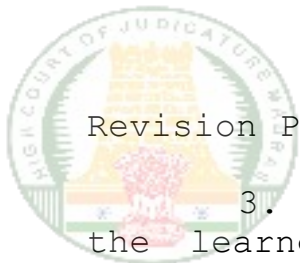
For Petitioner : Mr.N.Shanmugaselvam
in both petitions

For respondent/caveator : Mr.P.Muthuvijayapandian
in both petitions

COMMON ORDER

These Petition are filed, against the fair and decretal order, dated 02.11.2015, made in I.A.Nos. 471 and 472 of 2015 in O.S.No.231 of 2008, on the file of the learned Additional Sub Judge, Karur.

2. The petitioner herein is the second defendant. The respondent herein is the plaintiff. The respondent/plaintiff filed a Suit for partition. The petitioner and other defendants filed written statement. After framing issues, trial commenced and all the parties let in evidence and evidence was closed. Arguments on behalf of the first respondent was advanced and completed. When it was posted for arguments, on behalf of the defendants, the petitioner filed I.A.Nos.471 and 472 of 2015 to reopen and to receive additional written statement. The respondent/plaintiff opposed the same. The learned Judge considering the facts and materials on record and the judgments relied on by the parties, dismissed the applications. Against that the present Civil



Revision Petition is filed.

3. The learned counsel for the petitioner contended that the learned Judge failed to see that the additional written statement is necessary to prove his possession in the suit property. The learned Judge ought to have seen in the interest of justice, permission can be granted for filing additional written statement.

4. The learned counsel appearing for the respondent/caveator submitted that the petitioner filed applications for reopening and to receive additional written statement only to prolong the suit. The suit for partition was filed in the year 2008 and is yet to attain finality. The petitioner has not given any reason for not taking such a stand, at the time of filing written statement and additional written statement. The learned counsel for the caveator further submitted that the learned Judge heard arguments on behalf of the other defendants. The petitioner did not argue the matter. Therefore, it is posted for judgment today 11.03.2016.

5. Heard the learned counsel appearing for the petitioner as well as the caveator and perused the materials available on record.

6. From the records, it is seen that the petitioner has come out with these applications, to reopen and to receive additional written statement, after completion of evidences by both parties and arguments on behalf of the respondent/plaintiff. The petitioner has not given any reason in putting forth the plea in the written statement, which he wants to state in the additional written statement. The applications are belated one and filed only to prolong the issue. In the circumstances, the learned Judge considering all these facts and materials on record, dismissed these applications. There is no irregularity or illegality in the said order, warranting interference of this Court. Hence, these Civil Revision Petitions are liable to be dismissed.

7. Accordingly, these Civil Revision Petitions are dismissed. No Costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar



To
The Additional Subordinate Judge, Karur.

One cc to Mr.N.Shunmugaselvam, Advocate in SR.NO.13929

PJL

CSL/JGB-DP/23.03.2016 :3P/3C

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