

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1061 of 2017 &
CMP No.5111 of 2017

A.Palanivel

... Petitioner

v.

T.K.Angamuthu (Died)
1.A.Shanmugasundaram
2.K.a.Prabakaran3.A.Thiyagarajan
4.A.Nagalakshmi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India,
against the i order dated 4.2.2017 passed in I.A.No.401 of 2016 in O.S.No.157 of
2011 on the file of the II Additional Sub Court, Erode.

For Petitioner : Mr.I.C.Vasudevan

ORDER

Challenging the fair and final order passed in I.A.No.401 of 2016 in O.S.No.157 of 2011 on the file of II Additional Sub Court, Erode, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.157 of 2011 for partition. The defendants filed their written statement in the year 2011 and are contesting the suit.

3. The Trial Court, based on the available pleadings, framed issues and posted the matter for trial in the year 2016.

4. While so, the plaintiff took out an application in I.A.No.401 of 2016 under Order VIII, Rule 9 of CPC to grant leave to him to file reply statement.

5. When the suit was filed in the year 2011 and the defendants have also filed their written statement in the year 2011 itself, the plaintiff took 5 years for filing the present application seeking permission to file reply statement. The plaintiff has not explained the reasons for not filing the application immediately after the filing of their written statement.

6. The Trial Court, taking into consideration all these aspects, rightly

dismissed the application.

7. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Since the suit in O.S.No.157 of 2011 is ripe for trial, I direct the II Additional Sub Court, Erode to dispose of the suit in O.S.No.157 of 2011 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.03.2017

Index : No

Rj

To

The II Additional Subordinate Court
Erode

M. DURAISWAMY,J.,

Rj

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