

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P (PD).No.1532 of 2014  
and M.P.No.1 of 2014

1.Malarjothi

2.Mekala

... Petitioners

Vs.

1.Makundeswaramoorthy

Periannagounder (Deceased)

2.Chandrasekaramoorthy

3.Balasubramaniamoorthy

4.V.Sathasivam

5.Vijay Jain

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 21.02.2014 passed in I.A.No.1028 of 2013 in O.S.No.184 of 2010 on the file of the Subordinate Court, Perundurai, Erode District.

For Petitioners : Mr.S.Dhanasekaran - no appearance

For Respondents : Mr.Naveen Kumar Murthi

for Ms.P.T.Ramadevi (R1)

**ORDER**

The present revision petition is filed by the defendants 4 & 5, who are the revision petitioners and the suit in O.S.No.184 of 2010 was filed for partition.

2.During the pendency of the suit, an application was filed seeking permission of the Court to file an additional written statement.

3.The learned counsel appearing for the respondent contended that there was a memo filed by the revision petitioner stating that the written statement filed by the 6<sup>th</sup> defendant shall be adopted as far as the defendants 4 & 5 are concerned. When they have filed a memo specifically adopting the written statement filed by the 6<sup>th</sup> defendant, the trial Court found that additional written statement is not required. This apart, the suit was filed in the year 2008 and the application was filed after a lapse of six years from the date of filing of the suit. The examination of the witnesses on the side of the plaintiff were completed and therefore, by allowing this petition, it will prolong the suit and further, the revision petitioners have filed the petition only with an intention to protract the issue and to prolong the suit. Hence, the findings of the trial Court is in accordance with law and there is no infirmity in the order.

4. Accordingly, the order passed in I.A.No.1028 of 2013 in O.S.No.184 of 2010 dated 21.02.2014 is confirmed. In the result, the Civil Revision Petition in C.R.P.(PD).No.1532 of 2014 is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes  
Internet : Yes  
va

**24.02.2017**

To

The Subordinate Court, Perundurai, Erode District.

**S.M.SUBRAMANIAM , J.**

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