

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2017

Coram

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD).No.2761 of 2017

and

C.M.P.No.13110 of 2017

1. V.Velu
2. Maheswariammal
3. Suriammal
4. Babyammal

...Petitioners

Vs.

1. P. Jothiammal
2. S. Sabithammal

...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to allow the above C.R.P and set aside the order and decretal order dated 20.06.2017 made in I.A.No.170 of 2017 in O.S.No.82 of 2010 on the file of the Additional District Munsif Court, Vellore, Vellore District.

For Petitioners : Mr.T.Dhanyakumar

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ORDER

This revision arises against the order and decretal order dated 20.06.2017 made in I.A.No.170 of 2017 in O.S.No.82 of 2010 on the

file of the Additional District Munsif Court, Vellore, Vellore District.

2. The respondents herein filed a suit in O.S.No.82 of 2010 before the Principal District Munsif Court, Vellore, for the relief of permanent injunction restraining the defendants from interfering with their possession of the suit property. Subsequently, the respondents filed an application seeking to amend the plaint and the same was ordered. Thereafter, the Court below adjourned the matter for filing Additional written statement by the defendants. However, the defendants did not file any additional written statement. Therefore, the Trial Court framed additional issues on 03.07.2015 and posted the case on 28.07.2015 for evidence of P.W.1. On 26.10.2015, proof filed by Plaintiff, and the same was adjourned to 20.11.2015 for marking documents. On 08.12.2015, proof filed and subsequently, the documents were marked by P.W.1 on 01.02.2016 and 09.02.2016. Thereafter, the case was adjourned for enquiry on several times and finally the examination of plaintiffs' side were concluded on 23.11.2016 and the suit was adjourned to 29.11.2016 for defendants' side evidence.

3. Whiles, the defendants/petitioners filed an Interlocutory

Application in I.A. No. 170 of 2017 for filing additional written statement. The said application was dismissed by the Court below on 20.06.2017, stating that the petitioner has not given any sufficient reasons for filing the additional written statement. Challenging the same, the present revision petition is filed before this Court.

4. In view of the facts and submissions of learned counsel for petitioners and Perused materials available on record and the order passed by the Court below, the petitioners have not filed the instant application within the reasonable time and has also not furnished any sufficient reasons for the delay in filing the application. Therefore, there is no warrant to interfere with the order passed by the Court below and the order of the Court is continued.

5. Therefore, the Civil Revision Petition fails and the same is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

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14.12.2017

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Index : yes/no

Internet : yes/no

Speaking / Non-speaking Order

D. KRISHNAKUMAR, J.

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To

1. The Principal District Munsif Court,
Vellore, Vellore District.
2. The Additional District Munsif Court,
Vellore, Vellore District.



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