

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2017

Coram

THE HON'BLE MR.JUSTICE **D. KRISHNAKUMAR**

CRP.PD.No.3478 of 2017  
and CMP.No.16152 of 2017

B.Jafferulla Khan

...Petitioner

Vs.

1. B.Ayaz Khan
2. B.Asraf Khan
3. B. Ayub Khan
4. B.Mansoor Ali Khan
5. B.Mumtaz Begum

..Respondents

**Prayer:** The Civil Revision Petition has been filed under Section 115 of the Civil Procedure Code, to set aside the fair and final orders passed in I.A.No.113 of 2017 in O.S.No.177 of 2016, dated 12.06.2017 by the learned I Additional District Judge, Coimbatore.

For Petitioner : Mr.G.Ilangovan

**ORDER**

The learned counsel for the petitioner would submit that

the first respondent herein filed a suit in O.S.No.177 of 2016 before the First Additional District Court, Coimbatore for partition. In the aforesaid suit, the third respondent herein filed written statement. The first respondent herein / plaintiff has filed an application in I.A.No.113 of 2017 before the court below, seeking permission to file reply statement to give reply to the written statement filed by the third defendant about the execution of the will. The petitioner herein filed counter statement. However, the court below has allowed the application. Challenging the aforesaid order, the petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the petitioner would submit that new plea has been introduced in the reply statement by the first respondent / plaintiff. Therefore, the said application ought to have been dismissed.

3. On perusal of the order, the court below has allowed the application by holding that the said reply statement has been filed by the plaintiff for denial of statement made in the written statement and reply to the written statement filed by the first

defendant about the execution of Will by his father. Therefore, no prejudice will be caused to the petitioner.

4. In view of the above, the Civil Revision Petition fails and accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

24.10.2017

Speaking/Non-speaking order

Index : Yes/no

Internet: Yes/No

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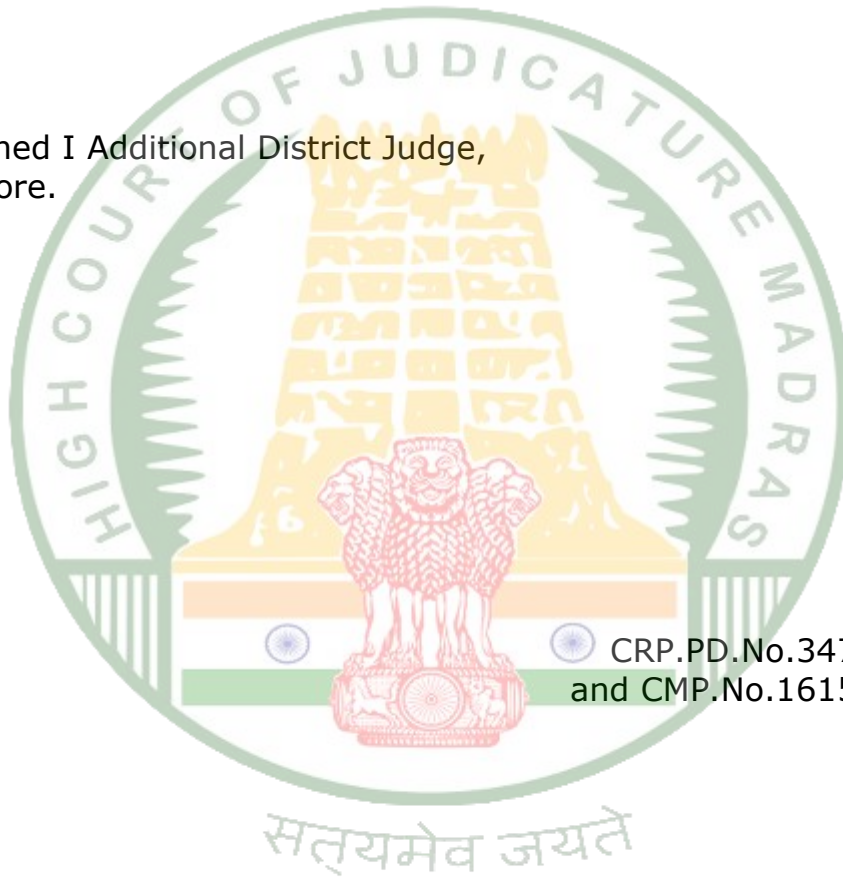
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**D. KRISHNAKUMAR, J.**

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To

The learned I Additional District Judge,  
Coimbatore.



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