

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.848 of 2017
and C.M.P.No.4205 of 2017

1.Shanmugam

2.Senthilkumar

... Petitioners

Vs.

Subbulakshmi

... Respondent

(Cause title as per order dated 06.10.2016 in I.A.No.253 of 2016 in O.S.No.174 of 2012)

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 06.10.2016 made in I.A.No.256 of 2015 in O.S.No.174 of 2012 on the file of the I Additional District Court, Erode.

For Petitioners : Mr.C.E.Pratap

ORDER

Challenging the fair and final order passed in I.A.No.253 of 2016 in O.S.No.174 of 2012 on the file of the I Additional District Court, Erode, the defendants 3 & 4 have filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.174 of 2012 for partition and

separate possession.

3.The suit was filed in the year 2012. Thereafter, in October 2012, the defendants filed their written statement and on 13.03.2013, the 3rd defendant filed his additional written statement. Subsequently, on 27.08.2014, the 3rd defendant filed his second additional written statement. Thereafter, the plaintiff filed a reply on 07.10.2014 and also filed the amended plaint on 06.08.2015. The 3rd defendant filed his additional written statement, for the reply statement filed by the plaintiff, on 12.01.2016. Thereafter, the defendants have filed an application in I.A.No.253 of 2016 seeking permission to file another additional written statement. The application filed by the defendants 3 & 4 was opposed by the plaintiff stating that the defendants have already filed their additional written statement and there is no necessity for filing another additional written statement.

4.Admittedly, the case is posted for the cross examination of P.W.1. When the defendants have filed their additional written statement to the reply statement filed by the plaintiff, they cannot keep on filing applications for filing additional written statement. When the suit is posted for trial and the same is posted for the cross examination of P.W.1., at this stage, the

filing of the present application would only establish that the defendants have filed the application to drag on the matter. The trial Court, taking into consideration all these aspects, dismissed the petition.

5.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. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

08.03.2017

To

The I Additional District Court,
Erode.

M.DURAIWAMY,J.
va

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