

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.983 of 2017 &

C.M.P. No.4860 of 2017

1.T.Suresh
2.N.Sujatha

... Petitioners

v.

1.T.Sukumar
2.S.Sathish Kumar
3.Pushpam
4.Lakshmi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order made in I.A.No. 956/2016 in O.S.No. 649/2010, dated 23.12.2016, on the file of the III Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.C. Veerarahavan

For Respondent : Mr.C.R. Prasanan

ORDER

Challenging the fair and final order passed in I.A. No.956 of 2017 in O.S. No.649 of 2010 on the file of III Additional District Munsif Court, Coimbatore, the plaintiff have filed the above Revision Petition.

2. The plaintiff filed the suit in O.S. No.649 of 2010 for partition and for other reliefs. The defendants filed their written statement and are contesting the suit. The suit was filed in October 2010 and the written statement was filed in January 2011.

3. After the commencing of the trial, the plaintiff filed an application in I.A.No. 956 of 2016 in March 2016 to permit him to file reply statement. The application filed by the plaintiff was opposed by the defendants stating that the application has been filed only to fill up the lacuna.

4. While dismissing the application, the Trial Court found that the present application has been filed at the belated stage. In the counter filed by the defendants, in paragraph 10, the defendants have stated that P.W.1 in his cross examination has clearly admitted the case of defendants.

Therefore to get over the said admission, the present application has been filed, seeking permission to file the reply statement.

5. Since the present application has been filed at a belated stage, that too, after the commencement of the trial, more so, when the plaintiff himself had admitted some vital aspects in favour of the defendants by way of reply statement, the said admission cannot be brushed aside.

6. The Trial Court takes into consideration all these this 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. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2017

Index : Yes/No
Rj/Gsa
To
The III Additional District Court,
Coimbatore.

M. DURAISWAMY,J.,

Rj/Gsa

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