



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2017

CORAM :

**THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN**

C.R.P (PD) (MD) No.1129 of 2017

and

C.M.P. (MD). No.5162 of 2017

V.Kalyanasundaram : Revision Petitioner/1<sup>st</sup> Respondent/  
1<sup>st</sup> Defendant

Vs.

1.K.Valli  
(Through her power of agent  
P.Shanmugaraj) : 1<sup>st</sup> Respondent/Petitioner/Plaintiff

2.P.Arumuga Manohari : 2<sup>nd</sup> Respondent/2<sup>nd</sup> Respondent /  
2<sup>nd</sup> Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Order and decreetal order dated 25.01.2017 passed in I.A.No.231 of 2016 in O.S.No.134 of 2008 on the file of the First Additional District Court, Tirunelveli.

For Petitioner : Mr.M.P.Senthil

### O R D E R

This revision petition is directed against the leave granted by the Trial Court to receive additional written statement after seven years of institution of the suit.

2.The grievance of the revision petitioner is that the suit itself was contested by one Shanmugaraja, proxy of the plaintiff Valli, who is none other the daughter of the first defendant, only to harass the revision petitioner. The case has already been protracted for more than nine years and after completion of the trial, the application has been taken out to file an additional written statement, without even it being presented in the format prescribed. The trial Court, after extracting the additional pleading in different system, has got satisfied with the format and is directed to grant leave for reception of additional written statement.



3.The Trial Court has also observed that the pleading as found in the additional written statement is subject to proof and evidence at the time of trial. Therefore, since there is *prima facie* justification to receive the additional pleadings, he has allowed the application. Since, the Trial Court has applied its mind and arrived at a conclusion, subject to proof in the Trial, which need not be disturbed in this revision.

4.The main grievance of the revision petitioner is that by filing one petition or another, the case is being protracted and the defendant is put to great hardship. Therefore, it is suffice to direct the Trial Court to expedite the disposal of the suit at the earliest, preferably by the end of December, 2017.

5.With the above direction, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

The First Additional District Judge,  
The First Additional District Court,  
Tirunelveli.

+One cc to Mr.M.P.Senthil, Advocate, SR.No.60703

KM/Is

RL/3C/2P/KP/SAR1/30/6/2017

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