



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2017

CORAM :

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(PD) (MD)No.475 of 2017

and

C.M.P(MD)No.2284 of 2017

O.B.Maheswari

... Petitioner/ Petitioner/
5th Defendant

-vs-

- 1)C.Elavarasi
- 2)P. Prabu
- 3)S.Selva Lakshmi
- 4)P.Illayaraja
- 5)P.Chinnadurai

... Respondents/Respondents/
Plaintiffs

Prayer: Petition filed under Article 227 of the Constitution of India, against the fair and executable order passed in I.A.No.655 of 2016 in O.S.No.69/2007, dated 05.12.2016, on the file of the District Munsif, Madurai Taluk, which is a petition for praying to receive the additional written statement.

For Plaintiff : Mr. Chandrasekarn

O R D E R

The application filed by the 5th defendant to receive additional written statement in view of the subsequent event taken place pending suit, was rejected by the Trial Court, on the ground that there is no specific details about the transaction and sale deeds alleged to have been executed by the plaintiffs.

2.The learned counsel for the revision petitioner submits that the Encumbrance Certificate annexed along with the application was not taken note of by the Trial Court, which indicates the sale transaction hit by lis pendens.

3.This court, on perusing the Encumbrance Certificate submitted by the revision petitioner finds that the plaintiffs have alienated the properties falling under Survey No.36/2 to several other parties pending suit. The said transaction varying from 12.03.2008 to 12.12.2011. However, this fact has not been brought before the Court below. Therefore, the Trial Court could not find any reason to entertain the plea to grant leave to the 5th defendant to file additional written statement.



Further, perusal of the petition and the affidavit filed in the support of the leave to file additional written statement justifies the order of the Trial Court.

4.I do not find any error in the order impugned in this revision petition. However, the revision petitioner is at liberty to file application under Order 8, Rule 9 with sufficient details and if the Trial Court is convinced, it can entertain the request of the revision petitioner for granting leave to file additional written statement.

With this observation, this Civil Revision Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To
The District Munsif,
Madurai Taluk

+1cc to Mr.S.Chandrasekaran, Advocate Sr.No.14139

nbi/km

sm:PM-PN:20/03/2017:2P/3C

Order made in
C.R.P(PD) (MD)No.475 of 2017
13.03.2017