



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

WEB COPY

**THE HONOURABLE Mr. JUSTICE G. JAYACHANDRAN**

C.R.P.PD. (MD) No. 522 of 2017  
and C.M.P. (MD) No. 2417 of 2017

T. Sekar

... Petitioner

**Vs.**

Kaliyan

... Respondent

**Prayer:** The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order made in I.A.No.46 of 2016 in O.S.No.344 of 2012 on the file of the I Additional District Munsif, Kumbakonam dated 05.12.2016.

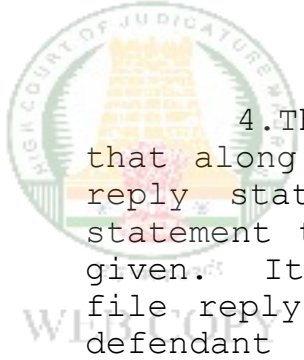
For Petitioner : Mr.K.Guhan

**ORDER**

This Civil Revision Petition is filed against the order dated 05.12.2016 made in I.A.No.46 of 2016 in O.S.No.344 of 2012 passed by the I Additional District Munsif, Kumbakonam.

2. In response to the written statement filed by the defendant in the above said suit, the plaintiff has sought leave to file reply statement and the same has been allowed by the Trial Court. The revision petitioner is the defendant in the suit contended that when the written statement was filed on 26.08.2013, belatedly on 03.03.2016 nearly after 2½ years, the plaintiff has sought leave of the Court to file reply statement, which is not permissible under Order 8 Rule 9 of CPC.

3. This Court after considering the grounds raised in this revision petition and the impugned order finds that the Trial Court in its version has thought it fit that opportunity should be given to the plaintiff to put-forth his contention regarding the alleged unregistered sale deed and delivery of possession. It is a suit for bare injunction and the defendant by way of written statement has set up title in his favour based on an unregistered document. In this context the plaintiff has sought a leave of the Court to file reply which has been granted.



4.The learned counsel for the revision petitioner submitted that along with the leave petition, the plaintiff has also filed a reply statement and no opportunity to file additional written statement to contest the averments made in the reply statement was given. It is needless to say, once the plaintiff is permitted to file reply statement, it is a natural corollary and right of the defendant to file additional written statement if any within the statutory period stipulated under C.P.C.

5.With the observation the Civil Revision petition is dismissed. No costs. Consequently, connected C.M.P.is closed.

Sd/-  
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

**To**

The I Additional District Munsif,  
Kumbakonam.

+ 1 CC TO Mr.K.GUHAN, ADVOCATE IN SR No. 15691

NBJ  
TE/MMS/SAR-IV : 11/04/2017 : 2P/3C

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