

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1494 of 2018 and

C.M.P.No.7962 of 2018

AnandaJayam (died)

1. Sundaramurthy
2. Krishnaraj
3. Thangapapu
4. Samendran
5. Singaram
6. Elamathy
7. Veshavendhan

... petitioners

Vs.

1. Kaliyaperumal
2. Kuppayee
3. Chinnadurai @ Krishnamurthy

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order made in I.A.No.40 of 2018 in O.S.No.166 of 2011, dated 19.02.2018, on the file of the Principal District Munsif, Cuddalore.

For petitioners : Mr.V.Balamurugane

ORDER

The Civil revision petition is filed against the fair and decreetal order made in I.A.No.40 of 2018 in O.S.No.166 of 2011, dated 19.02.2018, on the file

of the learned Principal District Munsif, Cuddalore.

2. The revision petitioners filed the suit against the respondents in O.S.No.166 of 2011 on the file of the learned Principal District Munsif, Cuddalore for declaration and permanent injunction.

3. After summons, the written statement was filed by the respondents in the year 2014 and after filing the written statement, the petitioners filed the Interlocutory application under Order VIII Rule 9 R/w. 151 of Code of Civil procedure in I.A.No.40 of 2018 in O.S.No.166 of 2011 for receiving the reply statement.

4. After hearing both sides, considering the facts and circumstances, the trial Court dismissed the application.

5. Aggrieved against the said order dated 19.02.2018, the revision petitioners are before this Court by way of filing this revision.

6. Heard the learned counsel for the petitioners and perused the records and the order passed by the trial Court in I.A.No.40 of 2018 in O.S.No.166 of 2011.

7. The petitioners filed the suit in the year 2011, in which the respondent filed the written statement in the year 2014. After completion of pleadings and framing charges, the trial was commenced and evidence of the plaintiff was over. During the cross examination of the D.W.1, the petitioners / plaintiffs filed the Interlocutory application in the year 2018 for receiving the reply statement.

8. The trial Court found that D.W.1 admitted the reference to the pathways, therefore an evidence is available, and in order to fill up the lacuna, the petitioners are attempting to insert new pleadings, the petitioners have filed the present application. It is settled proposition that no reply statement can be entertained either to fill up the lacuna in the evidence or to get over the admission made during the examination of the witness.

9. This Court does not find any illegality, irregularity or perversity in the order passed by the trial Court in I.A.No.40 of 2018 in O.S.No.166 of 2011 and there is no merits in this case.

P.VELMURUGAN, J.,

vum

10. In the result, the civil revision petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

28.04.2018

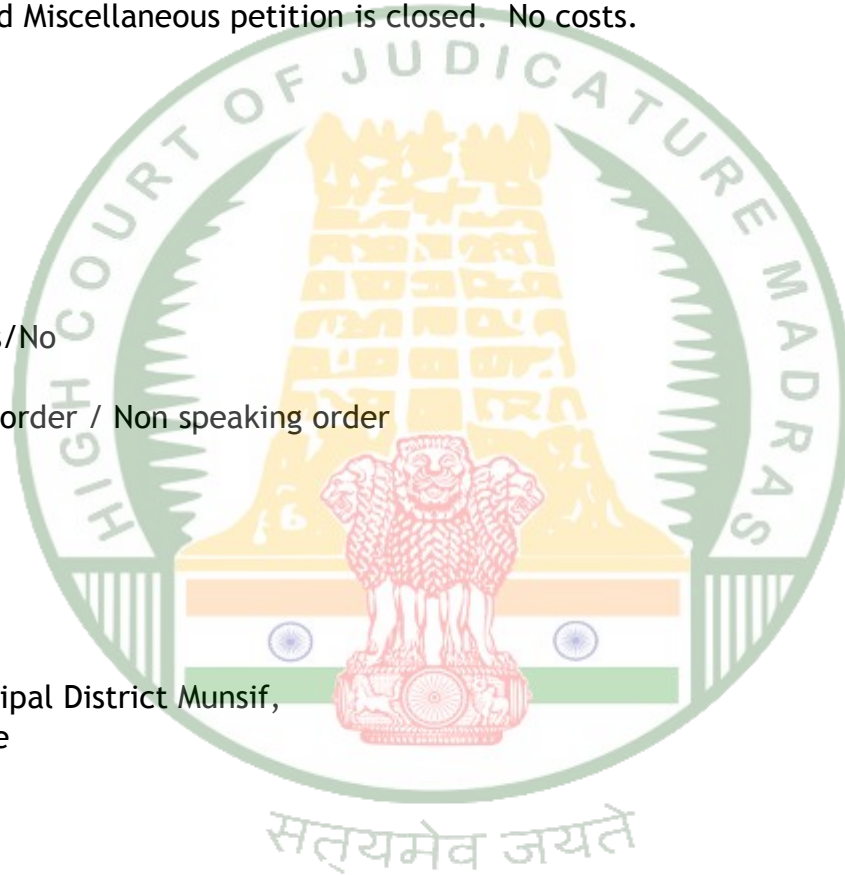
Index:Yes/No

Speaking order / Non speaking order

vum

To

The Principal District Munsif,
Cuddalore



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