

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2158 of 2014
& M.P.No.1 of 2014

Sri Balaji Silk Twisting
Industries by its Proprietor
G.Kumar, No.23
Yathothagiri Sannathi street
Kancheepuram.

.. Petitioner

Vs.

1.Director of Sericulture
Salem.

2.Deputy Director of Sericulture
The Tamil Nadu Government Anna Silk
Exchange, Kancheepuram.

.. Respondents

Civil Revision Petition filed under Article 227 of the
Constitution of India, against the fair and decretal order dated
29.04.2014 made in I.A.No.155 of 2014 in O.S.No.72 of 2013 on
the file of the District Court No.II, Kanchipuram.

For Petitioner : Mr.H.Kishore

For Respondents : Mr.V.Murali for
M/S.A.Srijayanthi
Special Government Pleader

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 29.04.2014 made in I.A.No.155 of 2014 in O.S.No.72 of 2013 on the file of the District Court No.II, Kanchipuram.

2.The petitioner is defendant and respondents are the plaintiffs in O.S.No.72 of 2013 on the file of the District Court No.II, Kanchipuram. The respondents filed the said suit for recovery of a sum of Rs.18,80,580/- together with interest at the rate of 22% and 5% penal interest from the petitioner in respect of the transaction. The petitioner filed written statement on 05.09.2005 and is contesting the suit. The trial commenced, respondents let in evidence and marked documents. When the suit was posted for cross-examination of P.W.1, the petitioner filed I.A.No.155 of 2014 under Order VIII Rule 9 C.P.C. to permit him to file additional written statement.

3. According to the petitioner, the respondents marked documents as Exs.A1 to A7 only on 03.04.2014. On verification of the records, the petitioner found that those documents are xerox copies and signature of the petitioner is forged in the letter dated 08.09.1997, in which, the petitioner is alleged to have admitted his liability. In view of the same, it is necessary to file additional written statement raising the plea of forgery and suit is barred by limitation.

4. The respondents filed counter affidavit and denied all the averments made in the said application and contended that it is not correct to state that the respondents have forged the signature of the petitioner and the petitioner came to know about the same only on 03.04.2014. The respondents have mentioned the said letter dated 08.09.1997 in the averments made in the plaint and cause of action portion and also filed the xerox copies of those documents along with the plaint. The respondents are the Government organisations and there is no necessity to forge the documents and prayed for dismissal of the application.

5. The learned Judge considering the averments made in the

affidavit, counter affidavit and the fact that the suit is of the year 2000 and petitioner has come out with the present application after 14 years and after change of new counsel, the petitioner cannot improve his case, dismissed the application.

6. Against the said order of dismissal dated 29.04.2014 made in I.A.No.155 of 2014 in O.S.No.72 of 2013, the present Civil Revision Petition is filed by the petitioner.

7. Heard the learned counsel for the petitioner as well as the respondents and perused the materials available on record.

8. The reason given by the petitioner to permit him to file additional written statement is that the respondents filed documents only on 03.04.2014 and on verification of those documents, the petitioner found that his signature in the letter dated 08.09.1997 is forged. This contention is contrary to the facts. The respondents have made averments in the plaint and cause of action portion and filed the said letter along with the plaint at the time of filing of the suit itself. The petitioner has filed written statement on 05.09.2005 and in the written statement, the petitioner did not take the plea of

forgery and the suit is barred by limitation. The petitioner as a defendant is entitled to file additional written statement with the leave of the Court for clarifying the facts already stated in the written statement or file additional written statement containing the plea based on the averments already made in the written statement. The petitioner is not entitled to take a new plea by way of additional written statement. The learned Judge has considered all the above facts in proper perspective and dismissed the application by giving cogent and valid reason. There is no irregularity or illegality warranting interference by this Court with the order of the learned Judge dated 29.04.2014.

9. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

21.03.2018

Index : Yes/No

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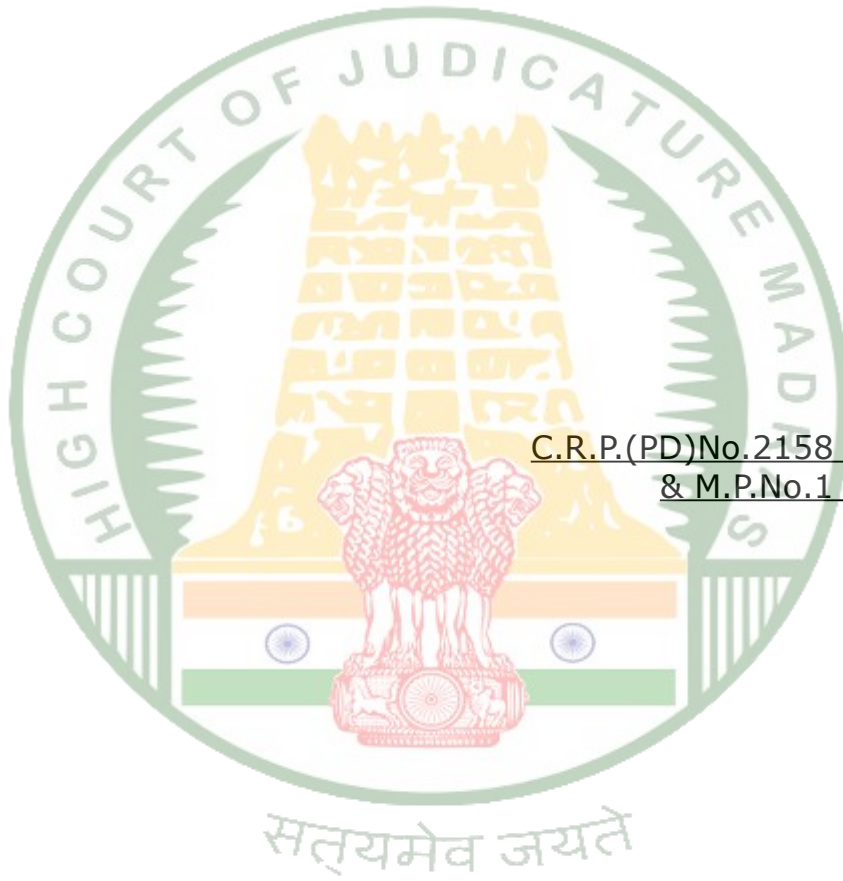
To

The District Judge
District Court No.II, Kanchipuram.

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V.M.VELUMANI, J.

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