

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 464 of 2018

and

C.M.P. No.2479 of 2018

Muruganantham

.. Petitioner

Vs

D.Kasinathan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order of the learned District Munsif Cum Judicial Magistrate, Kattumannar Koil, dated 12.12.2017 made in I.A.No.513 of 2017 in O.S.No.159 of 2010.

For Petitioner : Ms.G.Sumitra

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ORDER

This revision petition is filed to set aside the fair order and

decreetal order of the learned District Munsif Cum Judicial Magistrate, Kattumannar Koil, dated 12.12.2017 made in I.A.No.513 of 2017 in O.S.No.159 of 2010.

2. The petitioner has filed the suit for permanent injunction, against the respondent. Subsequently, the petitioner filed an Interlocutory Application in I.A. No.513 of 2017 seeking to receive the reply statement filed by the petitioner. The court below has dismissed the aforesaid application. Challenging the same, the present revision petition is filed.

3. According to the petitioner, he has filed the application pursuant to the registered settlement deed dated 27.01.2006, executed in favour of the petitioner and that he has been in continuous possession of the suit property. Now he has filed a reply statement to the written statement of the defendant/. According to the petitioner, the reply statement can be filed even during recording of evidence on the side of defendant.

4. From the above said facts, it is found that the suit is filed for permanent injunction on the basis of the registered settlement deed in favour of Nagammal, the written statement has been filed by the respondent / defendant in the year 2010, trial has been commenced and plaintiff's side evidence has been concluded and the suit is posted for defendant's side evidence. At this stage, the petitioner has filed the instant application, which is belated and new plea has been raised. Considering the above facts, the court below has rightly dismissed the application. Hence, nothing warrants to interfere with the order passed by the court below and the same is liable to be dismissed.

5. Therefore, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

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Index : Yes/ No

Speaking order/ Non speaking order

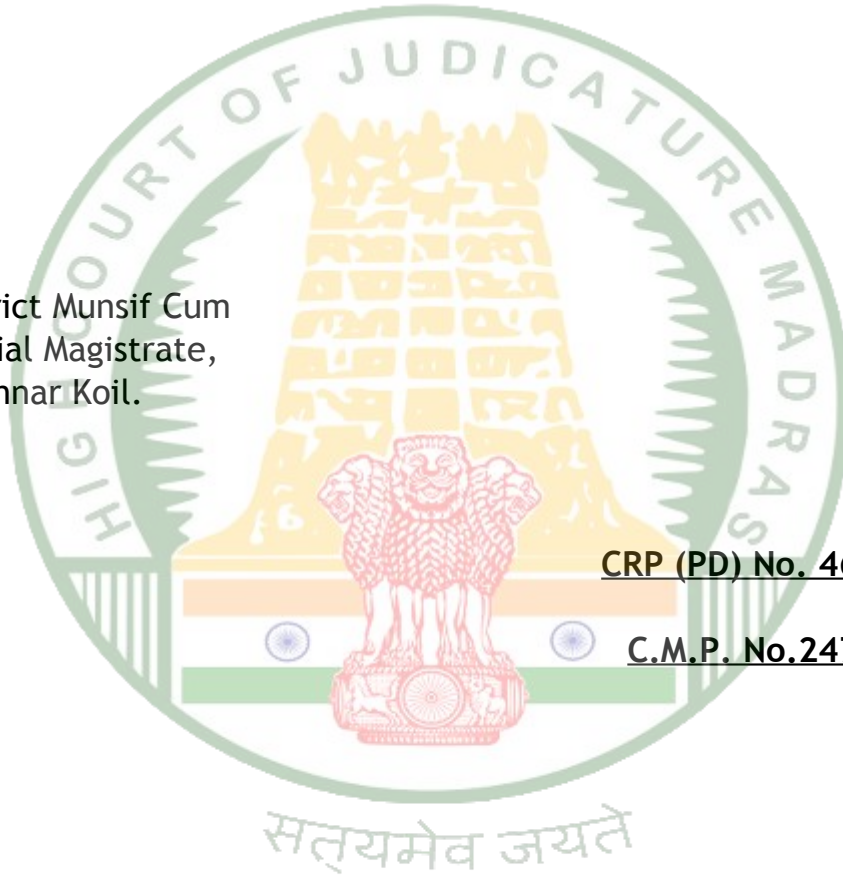
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D. KRISHNAKUMAR J.,

avr

To

The District Munsif Cum
Judicial Magistrate,
Kattumannar Koil.



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