

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P.(PD) No.3408 of 2018

and

C.M.P. No.19188 of 2018

Pavunambal (Died)

1. E.Velayutham

2. V.Saranraj

...Petitioners

VS

1. E.Vasudevan

2. M.Lakshmi

3. D.Parimaladevi

4. K.Abirami

5. N.Sumathi

...Respondents

Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the fair and final orders passed by the learned I Additional Subordinate Judge, Villupuram made in I.A.No.300 of 2018 in O.S.No.413 of 2017 dated 24.09.2018.

For Petitioners : Mr.D.Rajasekar

ORDER

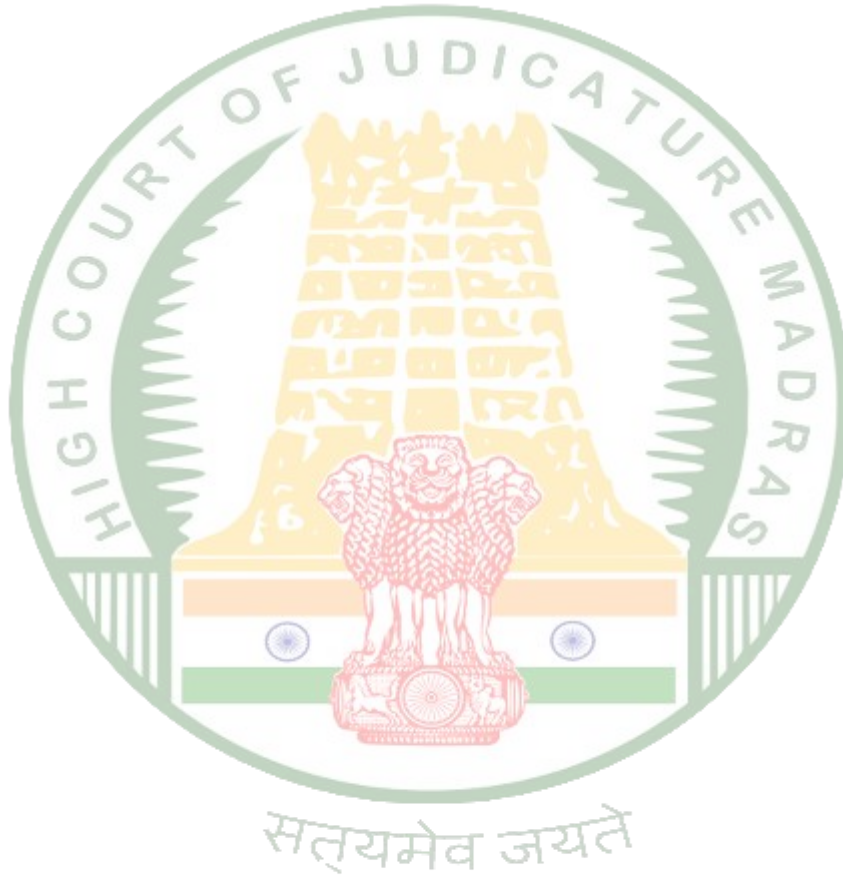
The order under challenge in the present application is the rejection of petitioners' request to remove the suit from the special list on the ground that the petitioners intend to file additional written statement and as such, have invoked Section 151 for the purpose of de-listing the matter.

2. I am unable to comprehend as to how such a prayer can be sought for. The petitioners' right to file additional written statement is protected under Order 8 Rule 9 of CPC and the trial Court shall not wait for the petitioners to file additional written statement at a later stage. If at all, the petitioners intend to file any additional written statement, it is always open to them to do so, in accordance with the procedures contemplated under Civil Procedure Code.

3. As such, I do not find any infirmity in the order of the trial Court in rejecting the petitioners' request. Hence, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

01.11.2018

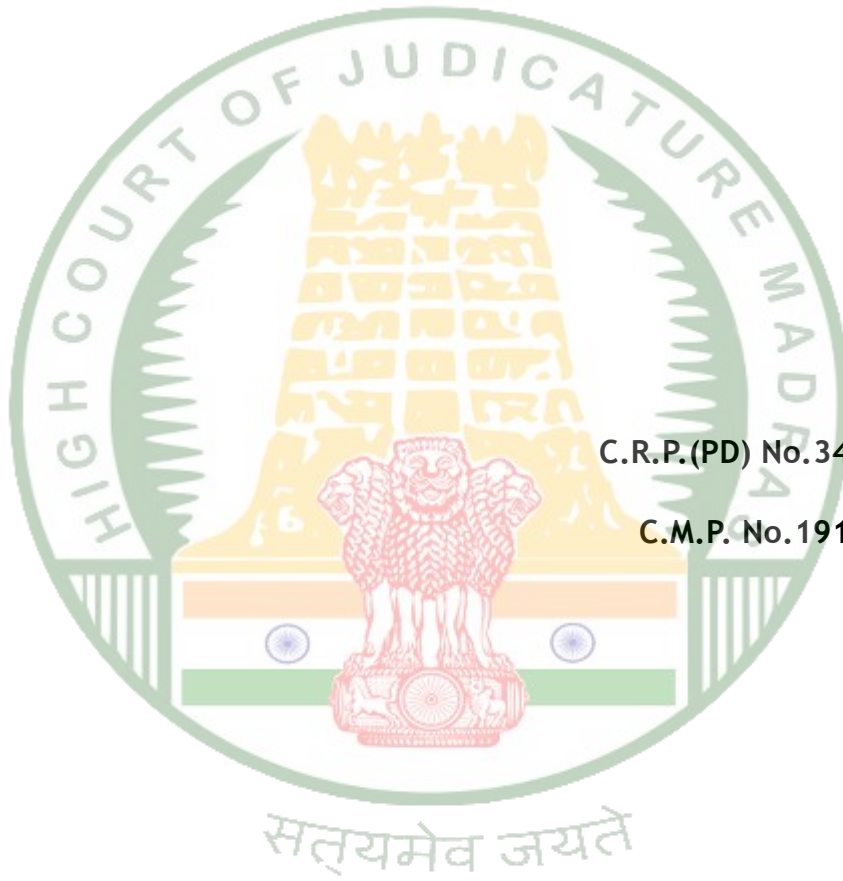
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M.S.RAMESH, J.

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