



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2018

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

C.R.P(MD)No.188 of 2018 (PD)

and

C.M.P(MD)No.825 of 2018

Mahadevan ... Petitioner/Petitioner/3rd Defendant
Vs.

1.Pandiyan
2.Aanandan

... Respondents/Respondents/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to pass an order setting aside the fair and decreetal order dated 16.09.2017 passed in I.A.No.292 of 2017 in O.S.No.157 of 2011 on the file of the Subordinate Court, Pudukkottai.

For Petitioner : Mrs.A.Banumathy

ORDER

This Civil Revision Petition has been filed challenging the order dated 16.09.2017 made in I.A.No.292 of 2017 in O.S.No.157 of 2011 on the file of the Subordinate Court, Pudukkottai.

2. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondents is dispensed with.

3. The facts of the case, in nutshell, are as follows:

The respondents /plaintiffs have filed a suit in O.S.No.157 of 2011 seeking the relief of specific performance. The petitioner is the third defendant in the suit. The case was posted for cross examination of P.W.1. At the time of cross examination of P.W.1 only, the petitioner came to know about the fact that in the written statement lacks some relevancy of facts related to the suit. Therefore, he filed an additional written statement in the suit clearly stating the relevancy of facts and hence, he prays to receive the same.

4. The respondents/plaintiffs, before the lower Court, through their counter affidavit denied all the averments made in the affidavit. After completion of chief of P.W.1 on 20.10.2016, the case was unnecessarily adjourned for cross for four months. The suit is of the year 2011. After completion of plaintiff's side evidence, this petition for receiving additional written statement is not maintainable and hence, prayed for dismissal.



5. It is seen from the records that the suit is of the year 2011. The written statement was also filed on 21.09.2012. After lapse of seven years, the petitioner filed the petition to receive additional written statement. Even in the additional written statement, he has stated that while drafting original written statement certain facts have been left, but he has not stated whether the facts are relevant to this case or not. The petitioner has not given any reasoning for filing the additional written statement. More particularly, the suit is pending for more than seven years.

6. The trial court, after analysing the entire facts and circumstances of the case, has rightly dismissed the petition filed under Order VIII Rule 9 of the Civil Procedure Code by the petitioner. In the light of the above facts, I do not find any perversity or illegality in the order impugned in this revision.

7. At this juncture, the learned Counsel appearing for the petitioner would submit that a direction may be granted to the learned Trial Judge to dispose of the suit within the time stipulated by this Court. Considering the fact that the suit is of the year 2011, I am inclined to direct the Trial Judge to dispose of the suit.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The learned Trial Judge is directed to dispose of the suit within six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Pudukkottai.

Copy to
The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mrs.A.Banumathy, Advocate Sr.No.45689

RM

VB/MR/SAR4/12.02.2018/3P/5C

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