



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:28.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (MD) No.1826 of 2018 (PD)
and
C.M.P. (MD) No.7999 of 2018

P.Pauldurai ... Petitioner/Petitioner/1st Defendant

Vs.

1.Thankaselvi ..Respondent/Respondent/Plaintiff

2.A.Duraipandian ..Respondent/Respondent/2nd Defendant

3.Jeya Paul .. Respondent/Respondent/3rd Defendant

PRAYER: Petition filed under Section 227 of Constitution of India, to call for the records pertaining to the fair and decreetal order in I.A.No.681 of 2017 in O.S.No.242 of 2011, dated 22.17.2017, passed by learned Sub ordinate Judge, Padmanabhapuram and may set aside the same as illegal and unsustainable and may direct the trial Court to receive additional written statement filed by the petitioner.

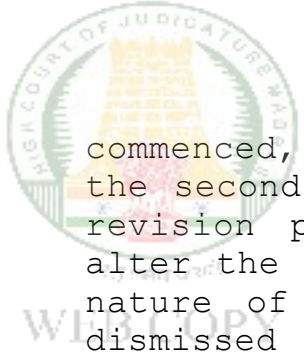
For Petitioner : Mr.K.P.Narayanakumar

ORDER

The first defendant in O.S.No.242 of 2011 on the file of the learned Sub Court, Padmanabhapuram, is the revision petitioner herein. It is a suit for partition filed by the sister of the revision petitioner against her brothers. The revision petitioner herein had initially taken a stand in support of his brothers. Now he wants to depart from his earlier stand and file an additional written statement. Therefore, he sought leave of the Court below by filing I.A.No.681 of 2017 to file additional written statement. The Court below dismissed the said I.A.No.681 of 2017, by order dated 22.11.2017. The correctness of the said order is questioned in this Civil Revision Petition.

2.Heard the learned counsel for the revision petitioner who reiterated the grounds set out in the memorandum.

3.This Court is not able to agree with the said submission. The suit is of the year 2011. Thus, after a lapse of full six years, the revision petitioner wants to file his additional written statement. In the meanwhile, not only the trial had



commenced, the plaintiff's side was also over and on the side of the second defendant was examined as D.W.1. At this stage, if the revision petitioner is permitted to shift his stand, it would alter the cause of action. Therefore, taking note of the belated nature of the application filed, the Court below has rightly dismissed the interlocutory application filed by the revision petitioner. Hence, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl Side)

/True Copy/

Sub Assistant Registrar(CS III)

To

The Sub ordinate Judge, Padmanabhapuram.

1CC TO MR. K.P.NARAYANAKUMAR, ADVOCATE SR 80657

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