



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1924 of 2018
and
C.M.P. (MD) .No.8320 of 2018

S.R.Bashyam

..Petitioner/Petitioner/
Defendant

Vs.

Saroja Kesavayya Singa
Through his Power Agent
K.Krishnamoorty.

..Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.310 of 2018 in O.S.No.117 of 2014 on the file of the learned Principal District Munsif, Kumbakonam, dated 21.06.2018.

For Petitioner: Mr.V.Maragathavel

ORDER

The revision petitioner is the defendant in O.S.No.117 of 2014 on the file of the Principal District Munsif, Kumbakonam. It is a suit for redemption. The revision petitioner wanted to file additional written statement. So, to obtain the leave of the Court, I.A.No.310 of 2018 was filed. The Court below by order, dated 21.06.2018 dismissed, the said IA. The said order is questioned in the Civil Revision Petition.

2. The learned counsel for the revision petitioner submitted that as a defendant, it is open to the revision petitioner to take an inconsistent plea. Be that as it may, it is seen that the revision petitioner filed his original written statement on 08.08.2014. Issues were framed on 20.08.2014. The plaintiff commenced his evidence on 19.03.2018. The matter was posted for cross-examination on 09.04.2018. At that stage, the present application for reception of additional written statement has been filed. There is absolutely no explanation for this gross delay. The Court below rightly took the view that in the facts and circumstances of the case, the defendant ought not to be allowed to file additional written statement as the plaintiff has already



commenced his evidence and the matter posted for cross-examination, I am of the view that the reasons assigned by the Court below are correct and acceptable. Hence, I am not inclined to interfere with the same. The Civil Revision Petition stands dismissed accordingly. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-I)

To

The Principal District Munsif,
Kumbakonam.

PJL

BU/RSK/SAR-I :22.10.2018 : 2P/2C

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