

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.04.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD)No.1366 of 2019

and

CMP.No.8925 of 2019

Govindarajan

... Petitioner

-VS-

Alamelu

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order and Decree passed in I.A.No.353 of 2018 in O.S.No.14 of 2018 on the file of Subordinate Judge, Neyveli dated 30.10.2018.

For Petitioner : Ms. S. R. Sumathy

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned Subordinate Judge, Neyveli in I.A.No. 353 of 2018 in O.S.No. 14 of 2018 in and by which the learned Judge has dismissed the Application filed by the defendant to grant leave to withdraw the additional written statement at the stage of trial when PW1 was already in box.

2. The brief facts which are necessary for disposing of the present Civil Revision Petition are as follows:

The respondent filed O.S.No. 14 of 2018 on the file of the Sub Court, Neyveli for recovering the sum of money due on the basis of a mortgage. The defence in the said suit was that the plaintiff had compelled the defendant to sign on blank documents which are now been misused by the plaintiff. The written statement was filed on 03.06.2018. Thereafter it appears that the defendant had filed Application in I.A.No.62 of 2018 under the provisions of Order VIII Rule 3 of the Civil Procedure Code to condone the delay in producing documents. After contest, the said Application was dismissed on 07.08.2018 for want of pleadings. In the written statement in order to get over the said lacuna, the present Petition has been filed and the same has been dismissed by the learned Subordinate Judge, Nayveli. Challenging the same, the defendant is before this Court. The revision petitioner has tried to file these documents by filing an application for condoning the delay knowing fully well that the same is not supported by pleadings. Having failed in that attempt and getting an order against him, the revision petitioner is now trying to fill up that lacuna by filing the present Petition, the same is rightly dismissed by the learned Subordinate Judge, Nayveli. I do not find any infirmity in the

order passed by the Subordinate Judge, Nayveli and accordingly, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

09.04.2019

Index : Yes/No
Internet : Yes/No
Speaking/non-speaking order

mrn

To
1. The Subordinate Judge,
Neyveli.



WEB COPY

P.T. ASHA, J.,

mrn



C.R.P.(PD)No.1366 of 2019
and
CMP.No.8925 of 2019

WEB COPY

09.04.2019