

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(PD).No.760 of 2019

and

C.M.P.No.4993 of 2019

1.Kamala
2.Manoharan
3.Karthik
4.Kalaimani

..Petitioners/Defendants 13to16

Vs

Subathra

..Respondent/Plaintiff

This Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records and set aside the Fair and Decreetal order made in I.A.No. 1016 of 2018 in O.S.No. 323 of 2008 dated 05.01.2019 passed by the Learned District Munsif Court, Chengalpattu, Kancheepuram District.

For Petitioners : Mr.P.Nagaraju
For Respondent : Mr.K.Selvaraj

ORDER

The above Civil Revision Petition is filed challenging the order of the learned District Munsif, Chengalpattu, in I.A.No. 1016 of 2018 in O.S.No. 323 of 2008, dismissing the application moved by the revision petitioners/defendants 13 to 16 for filing an additional written statement.

2.It is seen that the evidence of the defendants was being postponed, at the request of the revision petitioners. Ultimately on 03.07.2018, they had made an endorsement that they have no evidence on their side. Thereafter, they have filed a reopen petition and the same was allowed on 07.09.2018, after the said reopen petition was allowed, they have moved the present impugned petition to file an additional written statement on the ground that the plaintiff have omitted to sue in respect of all the properties. Apart from that reason, there is no other reason that has been given in the affidavit for filing the impugned petition.

3.The learned Judge has clearly held that the cross-examination has been completed and at this juncture, they want to move this application and in fact, in their original written statement, they have stated that all the properties had been partitioned amongst the sons of Govindasamy in the year 1961 and that too, during the lifetime of Govindasamy by way of a Koor Chit. The present additional written statement seeks to add the entire properties of Govindasamy. Therefore, the learned Judge has dismissed the leave application as being belated. I find no infirmity in the order passed by the Learned District Munsif Court, Chengalpattu, Kancheepuram District, in I.A.No. 1016 of 2018 in O.S.No.323 of 2008 dated 05.01.2019.

In the result, the Civil Revision Petition stands dismissed.
No costs. Consequently, connected miscellaneous petition is also closed.

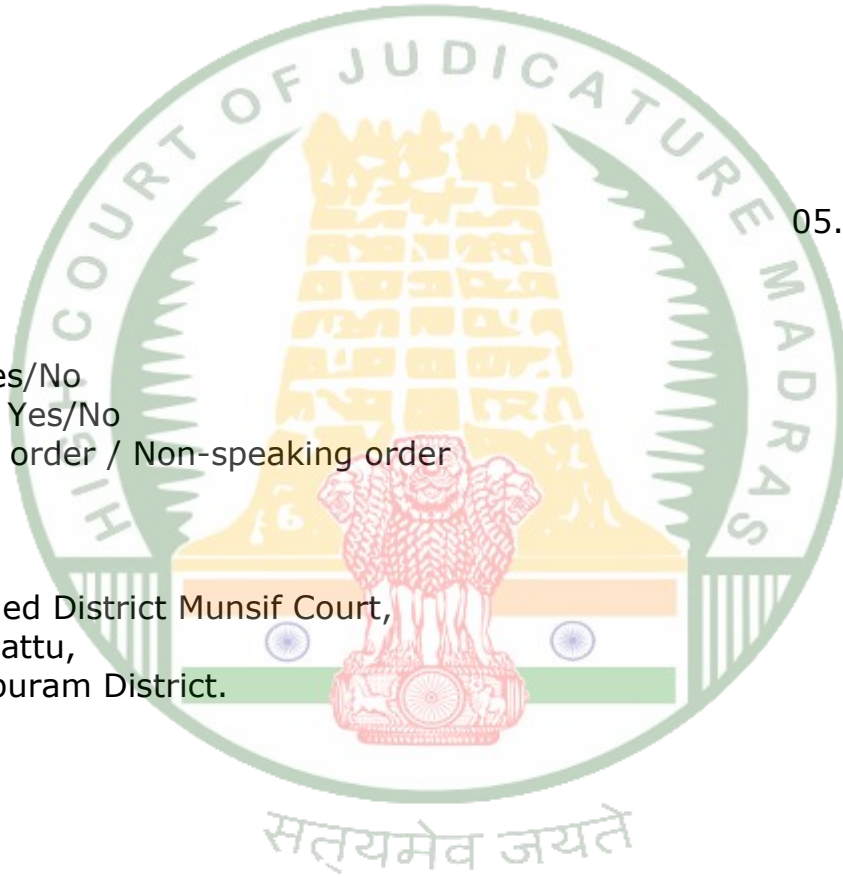
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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

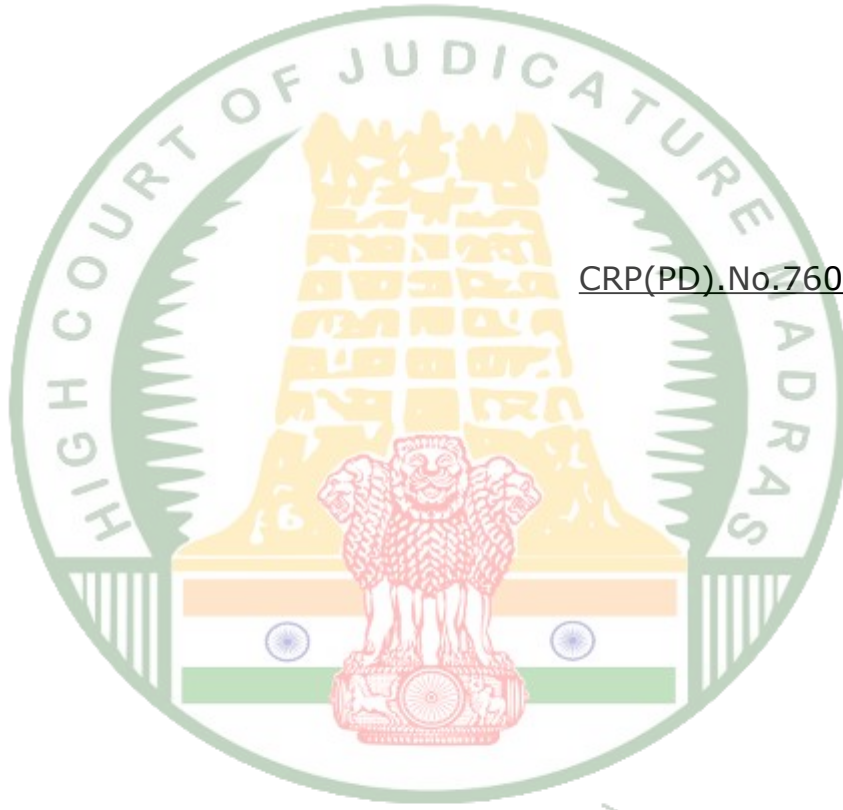
To

The learned District Munsif Court,
Chengalpattu,
Kancheepuram District.



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P.T.ASHA, J.
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