IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2019

CORAM:

The HONOURABLE Mr. JUSTICE N.SATHISHKUMAR

C.R.P(NPD).No. 3103 of 2012

Subrmani ...Petitioner

vs.

1.Palani

2.Manokaran

3.Maravathyammal ...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree passed by the learned Sub Judge, Vellore in I.A.No. 155/2011 in A.S.No. 22/2010 on 19.11.2011 by dismissing the application filed by the petitioner seeking to receive the additional written statement in O.S.No. 373 of 1998. The said order and decree passed by the learned Sub Judge, is liable to be set aside.

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For Petitioner : No appearance

For Respondents : Mr.N.Manoharan for R1 & R3

R2 - unserved

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O R D E R

The Civil Revision Petition is filed as against the dismissal of I.A.No.155 of 2011 in A.S.No. 22 of 2010 on the file of the learned Subordinate Judge, Vellore filed by the revision petitioner to file the additional written statement in A.S.No. 22 of 2010 before the learned Subordinate Judge, Vellore.

2. This Civil Revision Petition is pending from the year 2012. However, when the matter is called today, there is no representation for the revision petitioner.

3. Heard the learned counsel appearing for the first and third respondents and perused the materials available on record.

4. The learned Subordinate Judge, Vellore taking into consideration all the elaborated written statements filed by the revision petitioner before the trial court and also all the issues framed before the trial court has decided the suit on merits and in accordance with law.

5. During the appellate stage, the additional written statement has been filed by the revision petitioner, only to get over the

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findings of the trial court and also to erase the earlier admissions made by him. It is pertinent to point out that the revision petitioner is only the co-respondent in the first appeal. He has not even preferred an appeal. The learned Subordinate Judge, Vellore after taking consideration of all these facts, rightly dismissed the application.

6. This court is of the opinion that filing of this petition is only an attempt to get over the findings of the trial court and also to erase the admissions in the earlier written statement filed by the revision petitioner. Therefore, I do not find any merits in the above said application and the learned Subordinate Judge, Vellore is right in dismissing the same.

7. Accordingly, this Civil Revision Petition is dismissed. No costs.

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Index : Yes / No
Internet: Yes / No
Speaking/Non-Speaking Order

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N.SATHISHKUMAR , J.

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To

The Subordinate Judge,
Vellore.

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