

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM

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

CRP(PD).No.889 of 2019

and

C.M.P.No. 5773 of 2019

1.Rangasmy
2.Ramasamy

..Petitioners/Defendants

Vs

D.Madhammal

..Respondent/Plaintiff

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order passed by the learned IV Additional District Judge, Coimbatore in I.A.No 351 of 2018 in O.S.No. 67 of 2013, dated 03.10.2018.

For Petitioners : Mr.G.Karthikeyan

ORDER

The above Civil Revision Petition is filed challenging the order dismissing the application filed by the revision petitioners, who are defendants 3 and 4 in the suit for filing a second additional written statement. In the affidavit, which is filed in support of the impugned petition, the only reason that has been given by the revision petitioner are as follows:

" In the Written Statement and Additional Written Statement, we failed to mention the necessary particulars of the above case due to inadvertence. For proper and complete adjudication, it has become necessary to file

Additional Written Statement and unless we are permitted to file Additional Written Statement we will put very great loss and hardships which cannot be compensated by any means”.

This application has been dismissed by the learned V Additional District Judge, Coimbatore.

2 Heard counsel and perused the papers.

3 From the docket order, it is seen that the earlier an application was filed to receive an additional written statement to bring out discrepancies in the statement of the plaintiff with reference to an oral partition, when trial had commenced on 12.03.2018, when the case was posted for cross examination of PW1. This application for receiving additional Written statement was allowed. Thereafter, when the matter was pending for further evidence, the second application which is the impugned application came to be filed. The learned Judge had opined that the defendants were only trying to drag on the proceedings and the reasons that has been given in the affidavit filed in support of the impugned petition would only strengthen this observation. I find no infirmity in the order passed by the learned IV Additional District Judge, Coimbatore in I.A.No.351 of 2018 in O.S.No. 67 of 2013.

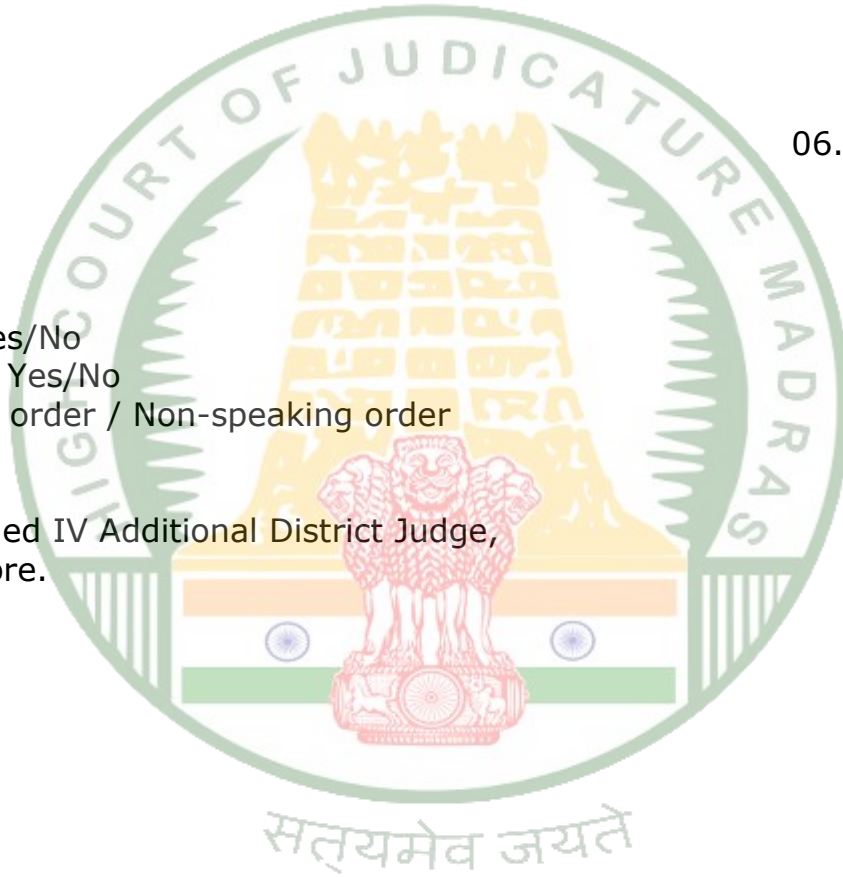
4 In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

06.03.2019

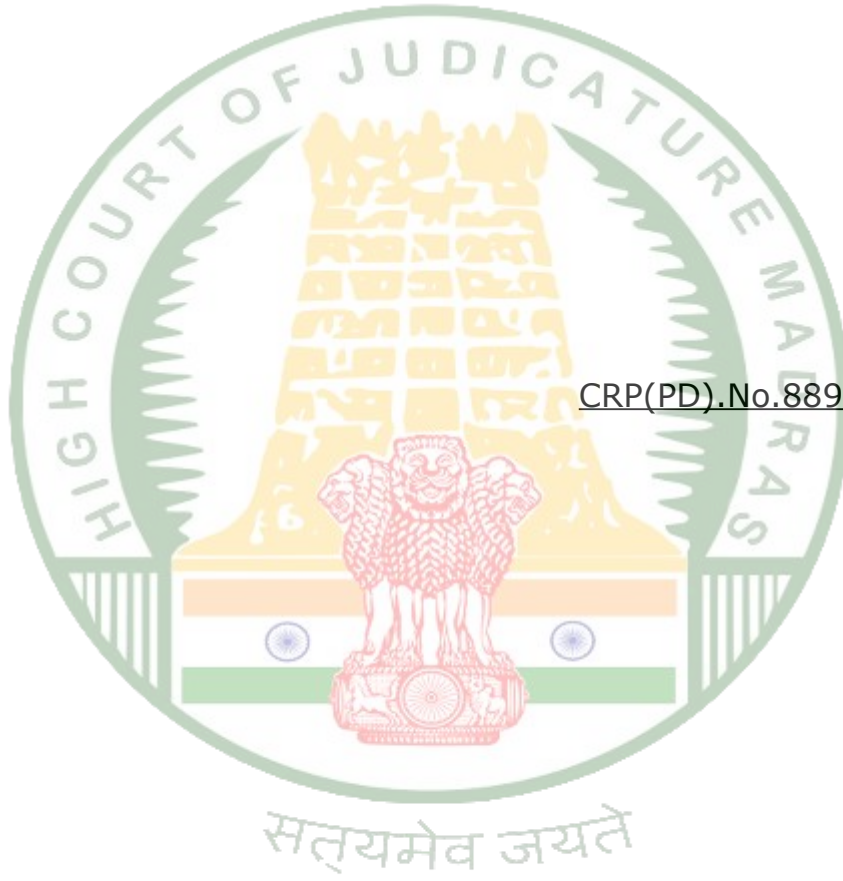
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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To
The learned IV Additional District Judge,
Coimbatore.



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