

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.02.2019

CORAM
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP NO.3460 of 2013 and
M.P.No.1 of 2013

Bakkiyam ... Revision Petitioner/Plaintiff/
Petitioner
Vs.

1. Selvaraj
2. Kandhasamy
3. Suresh
4. Kamalam

... Respondents/Defendants/
Respondents

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India against the order dated 19.02.2013 passed by the Principal District Munsif, Namakkal in I.A.No.130 of 2013 in O.S.No.241 of 2008.

For Revision Petitioners : Mr.S.Saravanakumar

For Respondent 1 and 4 : Mr.T.M.Hariharan,

ORDER

Revision petition filed against the orders passed by the trial court in I.A.No.130 of 2013 in O.S.No.241 of 2008, dismissing the application filed to receive reply statement to the additional written statement filed by the defendants.

2. The revision petitioner is the plaintiff in the suit in O.S.No.241 of 2008. The court below dismissed the application filed by the plaintiff, mainly on the ground that the reply statement is inconsistent to the plea of plaint and also it introduced new fact. It is well settled law that inconsistent plea by the plaintiff is not permissible. Further, introducing a new plea to get over the admission in the plaint also cannot be permitted. The trial court shall take into note all these facts while deciding the issues. Hence, the order of trial court is liable to be set aside.

3. The trial court is directed to receive the reply statement and shall keep in mind all the facts referred above, while deciding the main suit. The trial court is also directed to dispose the suit within 4 months from the date of receipt of

a copy of this order.

4. With the above observations, this civil revision petition is allowed and the order of trial court is set aside. The connected civil miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

The Principal District Munsif,
Namakkal.

Copy To

The Section Officer,
VR Section,
High Court, Madras-104.

+1cc to Mr.I.Abrar Md Abdullah, Advocate, S.R.No.13511

+1cc to Mr.T.M.Hariharan, Advocate, S.R.No.13755

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KJ(CO)

rrs 23/03/2019



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