

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T. ASHA

C.R.P. PD.No.1159 of 2019

and

CMP No.7452 of 2019

R.Loganathan

.. Petitioner

Vs.

J.Jayapandian

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order in I.A.No.191 of 2018 in O.S.No.13 of 2015, dated 28.01.2019 on the file of District Munsif cum Judicial Magistrate, Thirukazhukundram.

For Petitioner : Mr.N.C.Ashok Kumar

ORDER

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The above Civil Revision Petition is filed challenging the order passed by the learned District Magistrate cum Judicial Magistrate, Tirukazhukundram in I.A. No.191 of 2018 in O.S. No.13 of 2015, wherein, the learned Judge has permitted the defendant to file an additional written statement.

2. The Additional written statement is sought to be filed on the premise that the compromise agreement, which is marked as Ex.B2 herein during cross examination of PW2 has to be elaborated in the form of the pleadings. This application is objected by the revision petitioner / plaintiff by contending that the compromise agreement has not been earlier referred to and further compromise agreement is totally false and is denied by the plaintiff. During the cross examination of PW2, the plaintiff would submit that no question on the compromise agreement have been put forward and therefore, the compromise agreement is not a true document. However, the learned District Munsif, Thirukazhukundram has allowed the said petition. Challenging the same, the plaintiff is before this Court.

3. Heard Mr.N.C. Ashok Kumar, learned counsel for the revision petitioner / plaintiff and perused the records.

4. It is seen that the learned Judge has allowed the application only on the ground that there must be a pleading available in order to substantiate the document that has been filed and this finding is not erroneous. In the order

impugned, the learned Judge has stated that the entire compromise agreement has been marked as Ex.B2. However, it is seen that only the signature of PW2 has been marked as Ex.B2.

5. With the above clarification, the order passed by the learned District Judicial Magistrate, Thirukazhukundram, is upheld and the Civil Revision Petition is dismissed. It is open to the plaintiff to file reply statement, if he so chooses. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2019

Internet: Yes/No

Index: Yes/No

Speaking order/Non-speaking order
vsi2

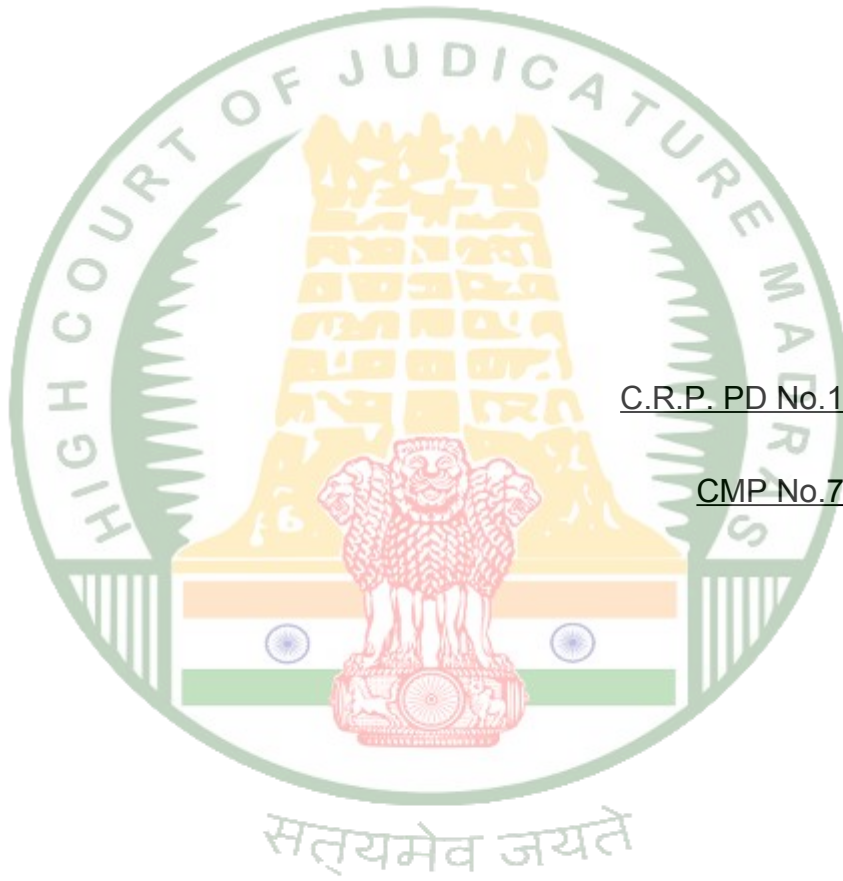
To

The District Munsif cum Judicial Magistrate, Thirukazhukundram.

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P.T. Asha J.

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