

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.No.1567 of 2019

and

C.M.P.No. 10240 of 2019

T.Mylsamy

.. Petitioner/Defendant

Vs.

Nagarajan

.. Respondent/Plaintiff

This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and final order dated 29.01.2019 passed by the learned Subordinate Judge, Udumalpet in I.A.No.886 of 2018 in O.S.No. 6 of 2014.

For Petitioner : Mr.M.N.Balakrishnan

O R D E R

The above Civil Revision Petition is filed challenging the order passed in I.A.No.886 of 2018 in O.S.No. 6 of 2014, by the learned Sub Judge, Udumalpet, in and by which, the learned Judge has dismissed the application filed by the defendant seeking leave to file the additional written statement, when the matter was posted for Judgment. The learned Judge has compared the defence that has been raised in the original written statement and the stand which is now taken in the additional written statement and came the conclusion that a totally diametrical different defence has been taken in the additional written statement and such conduct cannot be permitted.

The learned Judge has also noted the way in which the defendant has been delaying the trial of the suit from the date of receipt of the summons and was always taking time to file written statement and thereafter, being set ex-parte, filed an application to set aside ex-parte decree taken time for cross-examination of the witnesses etc. With this view, the learned Judge has dismissed the said application and also holding that it is highly belated and an attempt to protract the proceedings. This Court does not find any infirmity in the order passed by the Court below.

2 In the result, the Civil Revision Petition stands dismissed and the order passed by the learned Subordinate Judge, Udumalpet in I.A.No.886 of 2018 in O.S.No. 6 of 2014, dated

29.01.2019 is confirmed. No costs. Consequently, connected miscellaneous petition is also closed.

-sd-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

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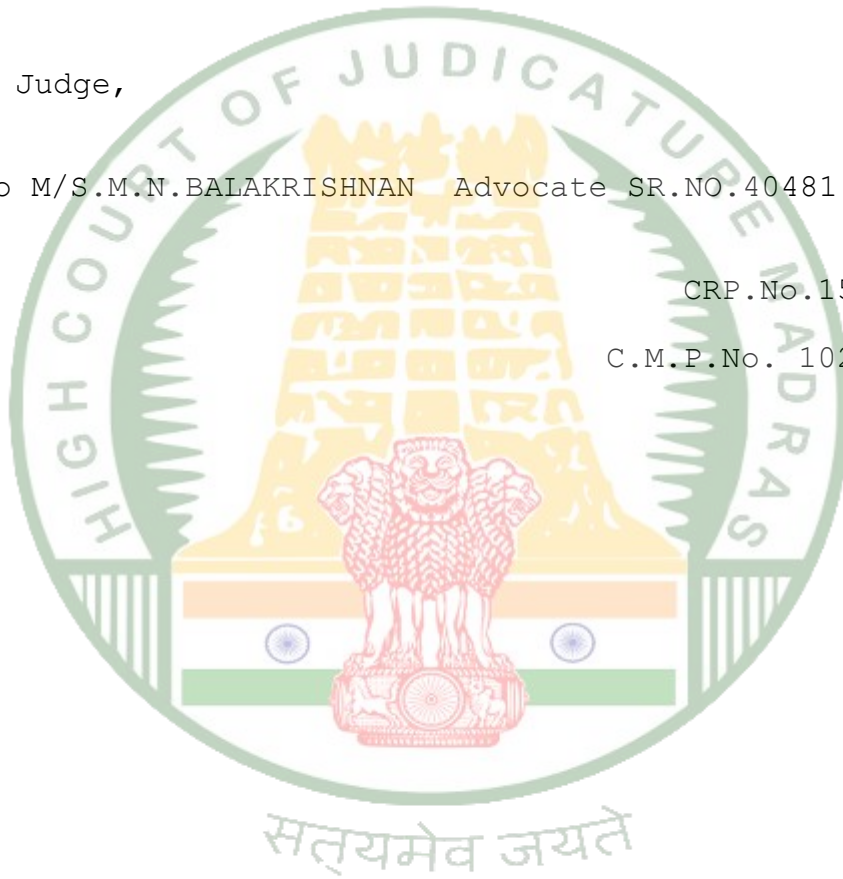
To

The Subordinate Judge,
Udumalpet.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate SR.NO.40481

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EV(CO)
cm 21/06/2019



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