

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 3508 of 2019
and
C.M.P. 23033 of 2019

1. P.Ponnusamy
2. T.Ayyasamy
3. M.Saravanan

... Petitioners

Versus

1. P.Ramasamy
2. K.Kalaivani
3. G.Balakrishnan
4. P.Krishnamoorthi
5. B.Easwari

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order passed in I.A. 2 of 2019 in O.S. 324 of 2013 on the file of I Addl. Sub-Judge, Erode, dated 16.08.2019.

For Petitioners : Mr.V.S.Kesavan

For respondents : Mrs.R.Shase

ORDER

This Civil Revision Petition has been filed challenging the order dismissing the application to receive the additional written statement.

2. The respondent herein filed a Suit for declaration, and also for consequential permanent injunction. The petitioners/defendants have also filed their written statement as early as on 21.04.2014. Thereafter, the Trial Court commenced the trial, now the trial was over, and the suit was posted for arguments, the plaintiffs have also advanced their arguments. The matter was posted for arguments of defendants, at that time, the present application has been filed by the defendants to receive additional written statement raising a new plea. The Trial Court after considering entire materials, has dismissed the application holding that, the petitioners want to file additional written statement only to fill up the lacuna. Further, the application has been filed belatedly after the arguments has

been partly over. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered the rival submissions made by learned counsel appearing for petitioners as well as learned counsel appearing for respondents and perused the materials available on record carefully.

4. The suit is of the year 2013, and the defendants have also filed their written statement in the year 2014. During the course of trial, the petitioners/defendants said to have filed a proof affidavit raising a new ground, which was not pleaded in the written statement. After trial, the matter was posted for arguments of petitioners/defendants. At this stage, the present application has been filed. The Trial Court after considering the entire materials, has rightly dismissed the application on the ground that the application has been filed belatedly. I find no irregularity or illegality in the order passed by the trial Court and I find no merit in this Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, the connected Civil Miscellaneous Petition in
C.M.P. 23033 of 2019 is closed.

10.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

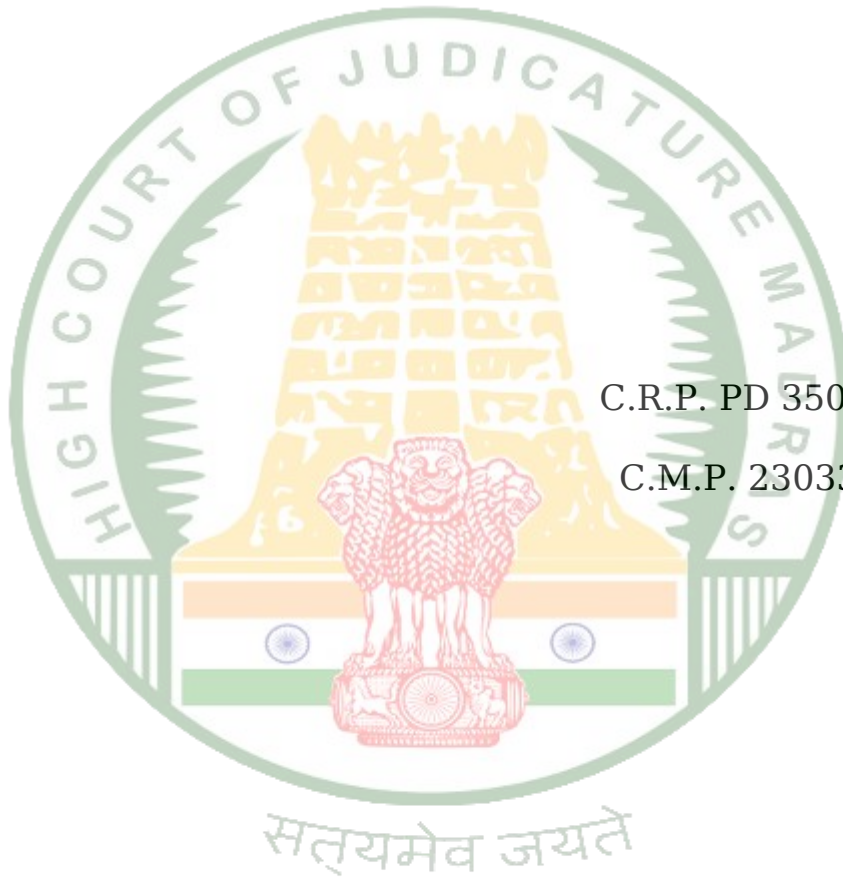
I Addl. Sub Judge,
Erode.



WEB COPY

V.BHARATHIDASAN,J.

rpp



C.R.P. PD 3508 of 2019
and
C.M.P. 23033 of 2019

WEB COPY

10.12.2019