

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 4204 of 2019
and
C.M.P. 27415 of 2019

M.Padmavathi

... Petitioner

Vs.

1. V.Vairavel
2. A.Venugopal
3. V.Kamalakaran
4. V.Raja Ganapathy

... Respondents

Prayer :- This Civil Revision Petition has been filed under Art.227 of Constitution of India, praying to set aside the order and decretal order dated 19.10.2019 passed in I.A. No.1 of 2019 in O.S.No. 132 of 2014, on the file of the Addl. District Judge, Namakkal.

For Petitioner

: Mr.P.Ravi Shankar Rao

ORDER

This Civil Revision Petition has been filed against the order allowing the respondents application to file a reply statement to the additional written statement filed by the petitioner.

2. The 1st respondent has filed a suit for partition based on the partition deed dated 29.12.2004. According to the 1st respondent/plaintiff, in the original written statement, the petitioner/4th defendant has accepted the partition deed and agreed that, the plaintiff is entitled for share in the suit schedule property. Thereafter, they have filed an additional written statement taking a different stand, wherein he has disputed the title. For that purpose, the 1st respondent/plaintiff has filed an application seeking to file reply statement to the additional written statement after getting permission from the Court below. That application has been allowed. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered the submissions made by learned counsel appearing for petitioner, and perused the materials available on record carefully.

4. The Suit has been filed for partition based on a partition deed dated 29.12.2004. According to the petitioner, earlier, in the original written statement filed by the defendants, it was agreed that, the plaintiff is entitled for the share, subsequently, he has filed an additional written statement, wherein he has disputed the title of the plaintiff. In the above circumstances, the plaintiff has filed a reply statement to the additional written statement. The Trial Court on considering the fact, came to a conclusion that, even though in the original written statement, the defendants have admitted the share of the plaintiff, however, in the additional written statement, he has taken a different stand, which necessitate the plaintiff to file a reply statement to the additional written statement. Hence, an opportunity is to be given to the plaintiff to file a reply statement to the additional written statement, and rightly allowed the application. Therefore, this court is of the view that, there is no illegality or irregularity in the order passed by the court below and I find no

merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

19.12.2019

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

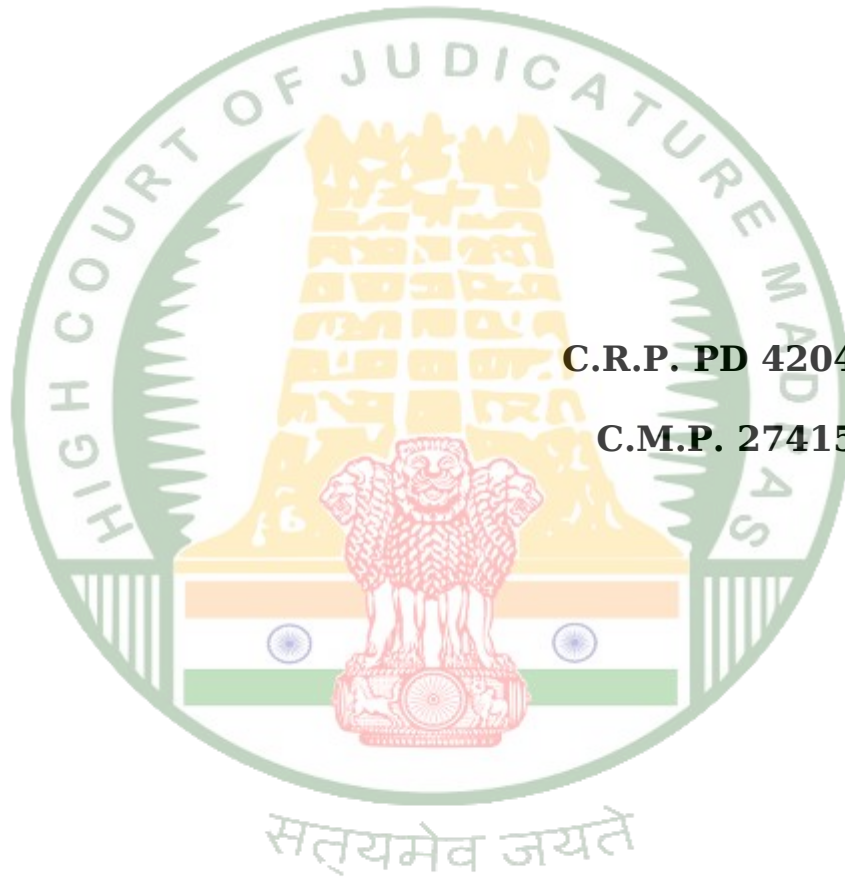
Addl. District Judge,
Namakkal.



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V.BHARATHIDASAN,J.

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