



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) No. 1269 of 2019

and

C.M.P (MD) No. 7000 of 2019

Govindan .. Petitioner/1st Respondent/Plaintiff

Vs.

1. Sannasi

Rengan (died)

2. Mareeyayi

3. Vijayan

..Respondents-2 & 3/Respondents-3 & 4
/Defendants-3 & 4

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 05.12.2018 made in I.A. No. 493 of 2018 in O.S. No.153 of 2005 on the file of the District Munsif Court, Pudukkottai.

For petitioner : Mr.M. Mohamed Ibran Saibu
for Mr.A. Arumugam

ORDER

Against the order allowing the first respondent to file additional written statement, this revision petition has been filed.

2.The petitioner/plaintiff has filed the suit in O.S.No. 153 of 2005 for the reliefs of declaration and also for possession. Pending suit, the first respondent/1st defendant has filed I.A.No. 493 of 2018 seeking to accept the additional written statement filed by him. The Court below has allowed the same, against which, the present revision has been filed.

3. When the matter is taken up for admission, the learned counsel appearing for the petitioner/plaintiff would submit that the Court below has completely misapplied the provision contained in Order 8 Rule 9 of C.P.C. There is no necessity to file an additional written statement in the present suit. Thus, he prayed to set aside the order passed by the Court below.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



5. Perusal of records would show that the interlocutory application in I.A. No.493 of 2018 in O.S. No.153 of 2005 has been allowed by passing one line order. Therefore, without advertent to the merits of the case, the order dated 05.12.2018 passed in I.A. No.493 of 2018 in O.S. No.153 of 2005 by the learned District Munsif, Pudukkottai is set aside and the matter is remanded back to the Court below. The learned Judge after considering the contention of the petitioner shall pass reasoned order in I.A. No.493 of 2018 in O.S. No.153 of 2005, within a period of four weeks, from the date of receipt of copy of this order.

6. This civil revision petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

ksa

To

1. The District Munsif,
Pudukkottai.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.A.ARUMUGAM, Advocate Sr. No.80348

ORDER MADE IN
C.R.P(MD) No. 1269 of 2019
05.08.2019

SRK(CO)
TR (07.08.2019) 2P 4C