

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (PD) 125 of 2020
and
C.M.P. 744 of 2020

R.Tamilarasan

... Petitioner

Versus

1. M.Subramaniam
2. T.S.Deepak
3. K.Tamilarasu
4. M.Boopathi

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the order passed in I.A. 2 of 2019 in O.S. 205 of 2015 dated 14.11.2019, on the file of Sessions (Fast Track Mahila) Judge, Namakkal.

For Petitioner : Mr.S.Mahesh

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioner's application seeking to file additional written statement.

2. The petitioner is a defendant in the Suit. The respondents have filed a suit for specific performance based on a sale agreement said to have been executed by the petitioner dated 30.08.2012. Earlier, in the suit, the petitioner was set exparte. Thereafter, the exparte decree was set aside, and the matter is posted for trial. Now, the trial has also commenced. At this stage, the petitioner has filed the present application to receive additional written statement. That application came to be dismissed by the Trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered the submissions made by the learned counsel appearing for petitioner and perused the records carefully.

4. Originally, the petitioner has filed a written statement taking a stand that, the suit properties are joint family property, and the petitioner's legal heirs are also entitled for share in the property. That apart, he is also denying the execution of sale agreement and he has stated that, the sale agreement has been created by the defendant. Earlier, the petitioner was set exparte in the suit, and on the application filed by the petitioner, the exparte decree has been set aside. Thereafter, the trial has commenced. At this stage, the present application has been filed permitting the petitioner to file additional written statement saying that, the suit schedule property is a joint family property, the petitioner's son and daughter also having share in the suit schedule property, and also disputing the very execution of sale agreement. On perusal of additional written statement, it is found that, whatever the averments stated in the original written statement was reiterated in the additional written statement, and no new fact has been stated, and the present application has been filed only to prolong the suit. The Trial Court, after considering entire materials has rightly dismissed the

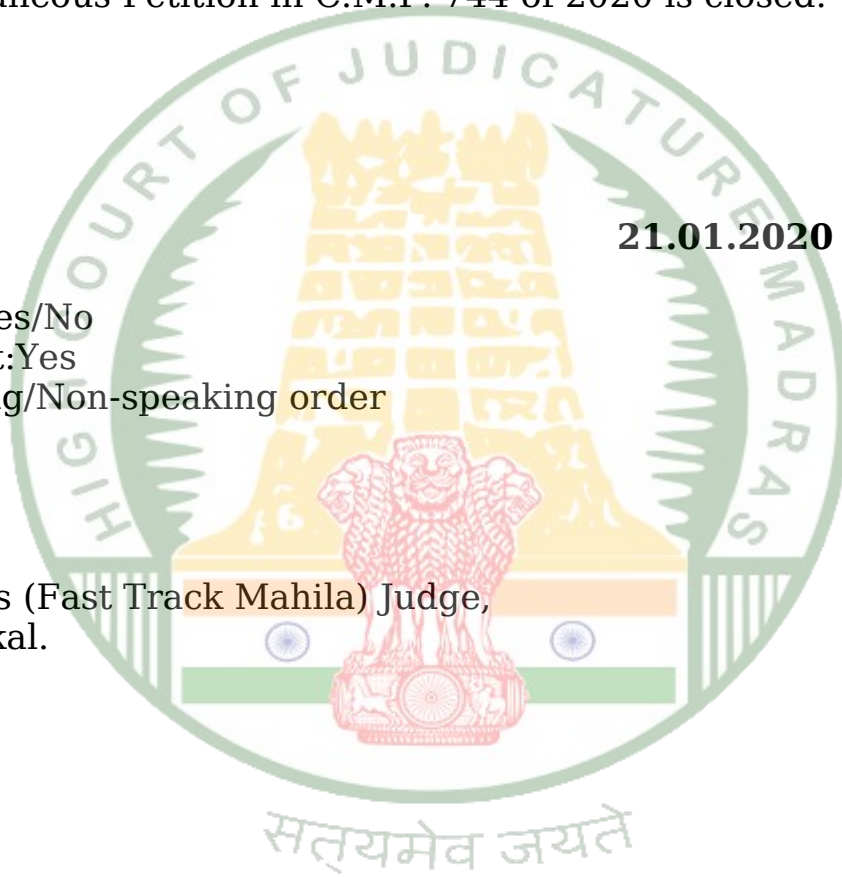
application. Therefore, I find no illegality or irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 744 of 2020 is closed.

21.01.2020

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

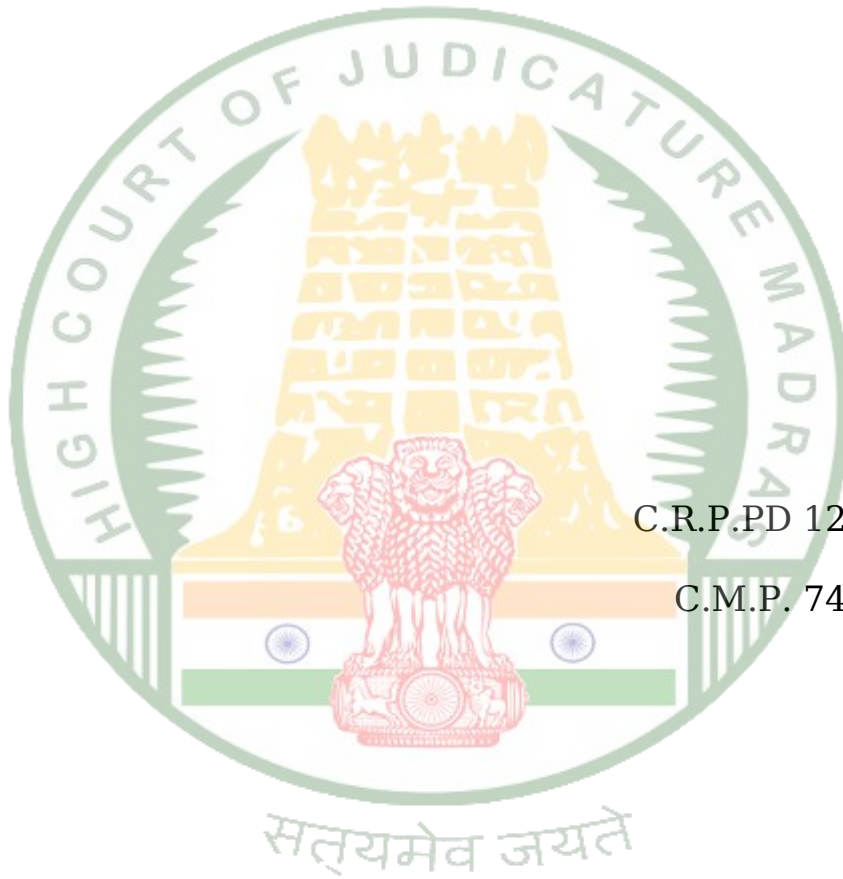
Sessions (Fast Track Mahila) Judge,
Namakkal.



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V.BHARATHIDASAN,J.

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