

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P (PD) No. 1694 of 2020
and C.M.P.No.10627 of 2020

D.Gopalsamy

... Petitioner

Vs.

N.Gopalsamy

.... Respondent

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and final order dated 24.09.2019 made in I.A.No.1 of 2019 in O.S.No.308 of 2016 on the file of the learned III Additional District & Sessions Court, Coimbatore.

For Petitioner : Mr.S.Mukunth
for M/s.Sarvabhuman Associates

ORDER

The present Civil Revision Petition is directed against an order dismissing the petition filed under Order VIII Rule 9 of Civil Procedure Code, permitting the petitioner/defendant to file his additional written statement.

2. The petitioner, after examining the witness of the other side, has found that there are certain points were omitted to be pleaded. The trial Court has considered the pleadings and dismissed the petition.

3. The main point insisted by the learned counsel for the petitioner is that law does not provide giving authorization to the Power of Agent to let in evidence before the Court and without getting permission from the Court under Order III Rule 2 of Civil Procedure Code, the Power Agent cannot let in evidence before the Court. Both these points were considered by the Court. In fact, from the beginning, the case was contested by the Power of Attorney and the fact that the defendant, who is the close friend of the plaintiff and a partner in the partnership business was very much aware of the nationality of the plaintiff and his citizenship.

4. The trial Court, after cross-examining the plaintiff, has rightly considered that granting permission to the defendant to file the additional written statement will amount to filling up the lacuna. Hence, the trial Court has rightly dismissed the petition. I do not find any infirmity in the order passed by the trial Court.

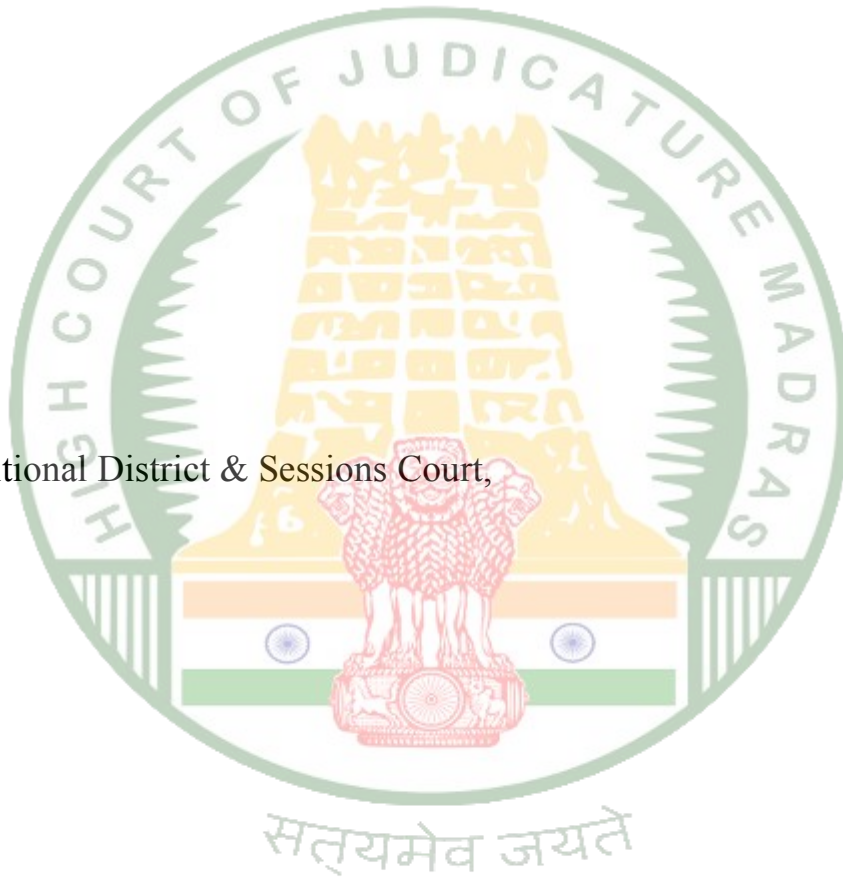
Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.09.2020

asi/ms

To

The III Additional District & Sessions Court,
Coimbatore.



WEB COPY

CRP (PD) No.1694 of 2020

M.GOVINDARAJ, J.

asi/ms



C.R.P (PD) No. 1694 of 2020
and C.M.P.No.10627 of 2020

WEB COPY

29.09.2020