

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD)No.3645 of 2014

and

M.P.No.1 of 2014

1.Ezhumalai
2.Ponnurangam

... Petitioners

...Versus...

1.Kasinathan
2.Sundaramoorthy

... Respondents

PRAYER:This Civil Revision Petition has been filed under Section 227 of Constitution of India, against the order and decree dated 04.03.2014 made in I.A.No.1510 of of 2013 in O.S.No.46 of 2010 on the file of the Court of the Additional District Munsif, Tindivanam.

For Petitioner

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Mr.T.Dhanasekaran

For Respondents

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No appearance

ORDER

The defendants are the petitioners herein.

2. The respondents filed O.S.No.46 of 2010 before the Additional District Munsif Court, Dindivanam for declaration of title and for Permanent Injunction and the petitioners have filed written statement and after settlement of issues, the suit was posted for trial. The plaintiff examined himself as P.W.1 and marked documents. Cross examination of P.W.1 was posted more than 7 times. Thereafter, the present I.A.No.1510 of 2013 was filed to receive the additional written statement stating that there is a slip in the written statement instead of "நாராயணன் அவர் பாகத்தை அஞ்சலை அடைந்துகொள்ளும்படி", it should have been stated as oral family arrangement. Thereafter, the sale was effected on 27.11.1951 and according to him, it is a typographical error. The learned District Munsif dismissed the said I.A on the ground of delay as well as inconsistency between the written statement and the additional written statement. Though this Court agreed with the contention of the learned counsel for the petitioners that mere delay is not a ground for rejection, as also inconsistency in the written statement and the additional written statement.

3. It is remains to be stated that by way of additional written statement, they are now altering the basic structure of the defence after settlement of the issues, that too, when P.W.1 has been examined and for the cross-examination of P.W.1, 8 adjournments have been given. At this juncture, the same cannot be allowed. Hence, for the reasoning as stated supra, this Civil Revision Petition is liable to be dismissed and the order in I.A.No.1510 of 2013 passed by the trial Court is confirmed. However, it is open to the petitioners/defendants to put suggestions during cross-examination of P.W.1 to make out their case.

4. With this liberty, this Civil Revision Petition is dismissed. No costs. Consequently, connected M.P is closed.

30.01.2020

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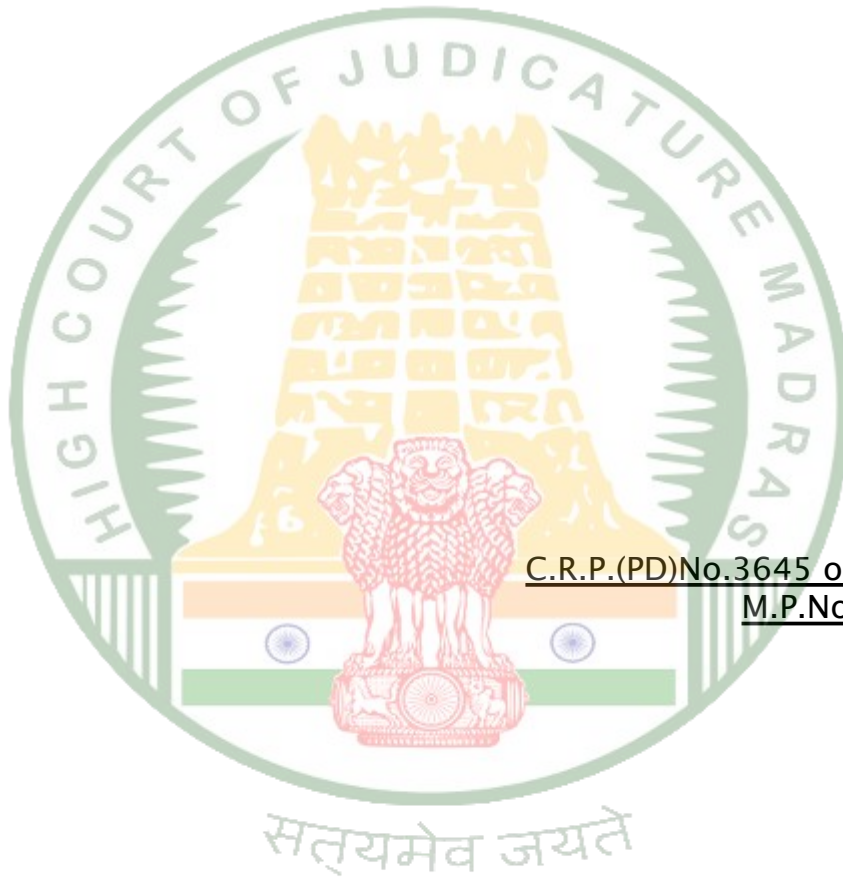
Index:Yes/No
Internet:Yes/No
Speaking Order:Yes/No
To

The Additional District Munsif, Tindivanam.

C.R.P.(PD)No.3645 of 2014

RMT.TEEKAA RAMAN,J.,

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