

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.12.2020

PRONOUNCED ON : 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(PD)No.659 of 2017
CMP.No.3330 of 2017

(Through Video Conferencing)

1. Chandrasekaran
2. Kumaravel

Petitioners

Vs

1. Santhi
2. Palanisamy

Respondents

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the the order and decreetal order dated, 08.12.2016, made in IA.No.1300 of 2016 in OS.No.189 of 2009, by the Principal District Munsif, Namakkal.

For Petitioners : Mr.C.Jagadish

For Respondents : Party in Person (No appearance)

ORDER

1. This Civil Revision Petition has been filed, to set aside the the order and decreetal order dated, 08.12.2016, made in IA.No.1300 of 2016 in OS.No.189 of 2009, by the Principal District Munsif, Namakkal.
2. The facts of the case, in a nutshell, leading to filing of this Civil Revision

Petition are as follows:-

(a) The Defendants are the Petitioners and the Respondents are the Plaintiffs. The suit was filed for declaration that the settlement deed, dated 29.05.2008 executed by the 1st Defendant in favour of the 2nd Defendant is null and void and for mandatory injunction. The Defendants have filed the above said IA, seeking for reception of additional written statement. In and by the impugned order, the said IA was dismissed. Hence, this Civil Revision Petition has been filed.

3. This court heard the learned counsel for the Petitioner.
4. The learned counsel for the Petitioners has submitted that the additional written statement is necessary to decide the issues involved in the suit, particularly, the factum of possession and that the court below had dismissed the prayer for reception of additional written statement without any basis and hence, this Civil Revision Petition is to be allowed.
5. This Court has given its anxious consideration to the submissions of the learned counsel on either side and also carefully perused the materials placed on record.
6. According to the Petitioners, the additional written statement was sought to be filed to prove the factum of possession.
7. On perusal of the typed set of papers, it is seen that the suit was filed in the year 2009 and on 03.12.2011, issues were framed and in 2012, additional written statement was filed by the Defendants 2 and 3, to which a reply statement was also filed by the Plaintiffs. Thereafter, on 09.06.2014,

additional issues were framed. On 29.08.2016, PW.1 was examined and Ex.P1 to Ex.P3 were marked. During the cross examination of PW.1, Ex.D1 to D7 were also marked on the side of the Defendants. On 25.10.2016, the evidence on the side of the Plaintiff was closed and the matter was posted for evidence on the side of the Defendants. At this stage, the present IA has been filed, seeking to file additional written statement much belatedly.

8. The said inordinate delay in filing the present IA has not been properly and satisfactorily explained. This Court is of the view that only to drag on the proceedings, the present IA has been filed, that too when after the Plaintiff's side evidence was over, the matter was posted for evidence of the Defendants. In the absence of sufficient and convincing reasons for such an inordinate delay in filing the present IA, the impugned order, dismissing the IA is to be confirmed and this Civil Revision Petition is liable to be dismissed.
9. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, the connected MP is closed.

16.12.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
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To

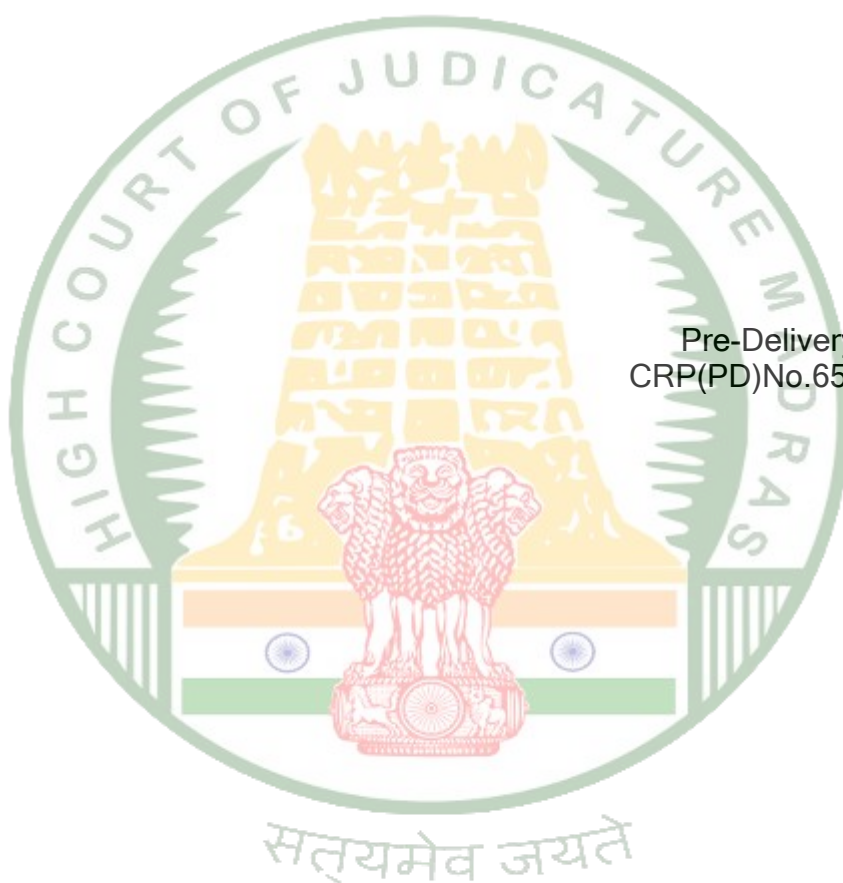
1. The Principal District Munsif, Namakkal

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A.A.NAKKIRAN, J.

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Pre-Delivery Order in
CRP(PD)No.659 of 2017

16.12.2020

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