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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.4261 of 2018
and
C.M.P.No.23354 of 2018

Ganasundaram

.. Petitioner/2nd
Defendant/Petitioner

Vs.

R.Chandrasekaran

.. Respondent/
Plaintiff /Respondent

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.11.2018, made in I.A.No.471 of 2018 in O.S.No.26 of 2009, on the file of the learned II Additional Subordinate Judge, Erode and consequently allow the I.A.No.471 of 2018 in O.S.No.26 of 2009.

For Petitioner : Mr.K.Rajasekaran

For Respondent : Ms.R.Shase

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O R D E R

Present revision has been filed against the fair and decreetal order dated 27.11.2018, made in I.A.No.471 of 2018 in O.S.No.26 of 2009, on the file of the learned II Additional Subordinate Judge, Erode.

2. The suit has been filed to deliver possession in respect of 'B' Schedule property and also for permanent injunction restraining the defendants from alienating or encumbering any portion of the 'B' Schedule property. The petitioner is the second defendant and the respondent is the plaintiff in the suit. The 4th defendant has filed a written statement and the same was adopted by the petitioner/second defendant. Thereafter, trial commenced and after completion of the evidence of P.W.1, present application has been filed seeking permission to file additional written statement, which came to be dismissed by the trial Court. Challenging the same, present revision has



been filed.

3. I have heard the learned counsel appearing for the parties and perused the records carefully.

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4. The suit is of the year 2009 and defendants are very closely related to each other. Defendants 1 and 4 have already filed written statements and the same was adopted by the petitioner/second defendant. After commencement of the trial and also after examination of P.W.1 is over, the present application has been filed seeking permission to file additional written statement. In the additional written statement sought to be filed by the petitioner/second defendant, he has not made out any new case. Mostly, he reiterated the averments contained in the written statements filed by the other defendants, which was earlier adopted by the petitioner/second defendant. Considering the above circumstances, the trial Court has rightly dismissed the application as there is no necessity to file additional written statement and that to after the commencement of the trial. I do not find any illegality or irregularity in the same as the trial Court has rightly dismissed the said application. There is no merit in the revision and the same is liable to be dismissed.

5. In the result, the civil revision petition is dismissed and the fair and decreetal order of the Court below, impugned in this revision is hereby confirmed. Considering the fact that the suit is pending from the year 2009 and that the trial has also commenced and the matter is posted for arguments, the learned II Additional Subordinate Judge, Erode, is directed to dispose of the suit in O.S.No.26 of 2009, on merits and in accordance with law, after giving opportunity to both the parties, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk

To

The II Additional Subordinate Judge,
Erode.



+1cc to Mr.K.Rajasekaran, Advocate, Sr.No.1717
+1cc to Mr.M.Guruprasad, Advocate, Sr.No.1554

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MR (CO)
GS (07/07/2020)