

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2487 of 2016

and

CMP.No.12851 of 2016

1.Sagunthala

2.Periamani @ Jayavel

..Petitioners

Vs.

1.S.Pradeep Selvam

2.Sathiyapraba

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the fair and decretal order dated 07.04.2016 passed in IA.No.867 of 2015 in OS.No.133 of 2013 on the file of the Subordinate Court, Sankari.

For Petitioners : Mr.R.Ezhilarasan

For Respondents

For R1

For R2

: Notice served

: Mr.R.Jayaprakash

ORDER

The civil revision petition is arising out of fair and decretal order dated 07.04.2016 passed in IA.No.867 of 2015 in OS.No.133 of 2013 on the file of the Subordinate Court, Sankari thereby rejected the petition to file additional written statement.

2. The petitioners are the second and third defendants in the suit filed by the respondents herein. The suit is for partition. After examining PW1, when the PW1 was in box for cross examination, the petitioners filed petition to receive additional written statement.

3. On perusal of the additional written statement, they stated the transaction between the parties and mentioned the properties as well as the sale deed. It would not change the character of the suit as well as cause of action. Further on perusal of the additional written statement, it is also clear that no additional issues require to be framed.

4. Considering the above, the civil revision petition is allowed and the order dated 07.04.2016 passed in IA.No.867 of 2015 in OS.No.133 of 2013 on the file of the Subordinate Court, Sankari is set aside. The petitioners are permitted to file additional written statement. It is made clear that additional written statement does not

require any additional issues. That apart, the respondents are permitted to cross examine in accordance with the additional written statement. Consequently, connected miscellaneous petition is closed. No order as to costs.

04.02.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The Subordinate Court,
Sankari.



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