



CRP (PD) No.2671 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.2671 of 2021
and CMP No.19663 of 2021

Malliga

... Petitioner

Vs

Muthu (Died)

1. Santhi

2. Junior Engineer,

Tamilnadu Electricity Board,

Paiyanatham Village and Post,

Pappireddipatti Taluk,

Dharmapuri District.

3. Jaya

4. Veni

5. Anitha

6. Karthik

7. Govindan

8. Krishnan

9. Kumar

... Respondents

1/4



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Prayer: The Civil Revision petition filed under Article 227 of Constitution of India, against the fair and decreetal orders of the learned District Munsif of Pappireddipatti, dated 23.03.2021 in IA No.138 of 2021 in O.S.No.19 of 2009.

For Petitioner : Mr.J.Hariharan

ORDER

Challenge in this revision is to an order of the learned District Munsif, Pappireddipatti, dismissing an application filed by the petitioner seeking leave to file reply statement to the counter claim made by the 2nd defendant.

2. The learned trial Judge dismissed the application on the ground of delay. The original suit was filed on 21.07.2009. The 3rd defendant filed his written statement on 10.06.2009. Thereafter, the 2nd defendant filed written statement with counter claim on 18.09.2010. The plaintiff filed reply statement on 27.10.2010. An additional written statement was also filed on 16.04.2014. After seven years, the plaintiff has come forward with



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WEB CO this application seeking to file an additional reply statement to the counter claim made by the 2nd defendant. As already stated, the counter claim by the 2nd defendant was made on 18.09.2010 and the plaintiff had already filed a reply statement on 27.10.2010. Therefore the delay of six years in filing the application is in fact fatal to the claim. Hence, I do not see any ground to interfere with the order of the trial Court. The Revision therefore fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2021

vum

Index: Yes/No

Speaking order / Non speaking order

To:

The District Munsif, Pappireddipatti.



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R.SUBRAMANIAN, J.

vum

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