

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

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

**C.R.P.(PD) No.972 of 2018
and CMP No.5199 of 2018**

Sampoornam ... Petitioner

Vs.

Minor K.Rahul Aravind
rep. by his next friend A.Loganathan ... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of Code of Civil Procedure, to set aside the fair and decreetal order dated 09.10.2017 made in I.A.No.453 of 2017 in O.S.No.218 of 2012 on the file of the District Munsif-cum-Judicial Magistrate, Perundurai.

For Petitioner : Mr.N.Manokaran

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 09.10.2017 made in I.A.No.453 of 2017 in O.S.No.218 of 2012 on the file of the District Munsif-cum-Judicial Magistrate, Perundurai, thereby dismissing the petition seeking permission to file an additional

written statement.

2. The respondent is the plaintiff and the petitioner is 8th defendant in the suit filed by the respondent for declaration, declaring that the respondent is the only legal heir of late Marayee, wife of Krishnasamy. Pending suit, the second defendant died and the petitioner and two others, being the legal heirs of the second defendant, have been impleaded in the suit as defendants 8 to 10. The petitioner filed a detailed written statement in the main suit on 04.06.2015 itself. After a period of two years, in the year 2017 the petitioner filed a petition seeking permission to file an additional written statement for the reason that though he was vigilant, he had failed to state about the Will executed by the first defendant dated 04.02.2013. After the death of the first defendant, the Will came into force and as such, there is no property to be divided in favour of the respondent herein.

3. Admittedly, a suit for declaration has been filed by the respondent declaring that the respondent is the only legal heir of late Marayee, wife of Krishnamoorthy. The first defendant in the suit is the

father of the Marayee and the deceased second defendant is the brother of the Krishnamoorthy. The petitioner is the legal heir of the deceased second defendant also filed a petition seeking permission to file an additional written statement in the above suit.

4. Considering the said submissions made by the petitioner, the Court below thought fit that the petitioner herein would not be put to irreparable loss to the suit filed by the respondent herein, in the event of non filing of additional written statement and has rightly dismissed the petition. Therefore, this Court finds no illegality or infirmity in the order passed by the Court below. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

09.04.2021

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

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G.K.ILANTHIRAIYAN,J,

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To

The District Munsif-cum-Judicial Magistrate,
Perundurai.



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