



*C.R.P.(PD).No.2378 of 2021*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

**C.R.P.(PD).No.2378 of 2021**

**and**

**C.M.P.No.18107 of 2021**

M/s.Mansi Finance Private Limited,  
Represented by its Power of Attorney Agent  
A.Ramesh, Having Office at  
No.22B, Mullah Saheb Street,  
Sowcarpet, Chennai – 600 079.

.. Petitioner

Vs.

1.Raghu

2.Sridhar

3.Elumalai

..Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair order and decreetal order dated 02.09.2021 in I.A.No.6 of 2021 in O.S.No.46 of 2010 on the file of the Additional District Munsif Court at Thiruvallur and to allow the application with costs throughout.

For Petitioner : Mr.M.V.Seshachari

\*\*\*\*\*



*C.R.P.(PD).No.2378 of 2021*

**ORDER**

This Revision is against the order of trial Court made in I.A.No.6 of 2021, an application filed by the defendants seeking reception of reply statement under Order VIII Rule 9 of the Code of Civil Procedure.

2. The suit is filed by the plaintiff seeking a permanent injunction restraining the defendants from interfering with the plaintiff's possession and enjoyment of the suit property. The plaintiff claims to have purchased the property under the sale deed dated 27.10.2006. The anterior document viz., the sale deed dated 10.09.1984 is claimed to have been executed by M/s.Komman, Mari, Munusamy and Raghu. In the said sale deed one of the vendors Munusamy is described as son of Munusamy.

3. The defendants would resist the suit contending that there is a mis-description of Munusamy in the said sale deed and Munusamy described as son of Munusamy therein is son of Govindan and he died even prior to the execution of the sale deed. Certain documents were also produced in support of the said claim.



*C.R.P.(PD).No.2378 of 2021*

4. It is at this stage, the plaintiff came up with this application seeking leave to file reply statement, pointing out that there is a discrepancy in the date of death of Munusamy mentioned in the Death Certificate and in the pleadings in the suit filed by the defendants herein in O.S.No.44 of 2010, which has been directed to be tried jointly along with the above suit.

5. This application was resisted by the defendants contending that the reply statement is not at all necessary and the plaintiff is only attempting to drag on the proceedings. Admittedly, the suit is in part heard stage and PW1 appears to have been examined on 11.06.2013. Thereafter, because of the other suit viz., O.S.No.44 of 2010 and the pendency of the application for joint trial, the suit has been dragged on for nearly 8 years. The trial Court upon consideration of materials on record, concluded that the reply statement is not necessary and it does not aid disposal of the suit.

6. The learned Additional District Munsif also found that it is case of the defendants that there is mis-description of the one of the vendors in the sale deed of the year 1984 and contradicting claims as regards his date of



*C.R.P.(PD).No.2378 of 2021*

death. These questions being the questions of fact, will have to be decided at trial and a reply statement is not necessary. Aggrieved the plaintiffs have come up with this Civil Revision Petition.

7. Heard Mr.M.V.Seshachari, learned counsel appearing for the petitioner.

8. Mr.M.V.Seshachari, learned counsel appearing for the petitioner would contend that since there is a difference between the date of death of Munusamy in the death certificate and pleadings in O.S.No.44 of 2010, it has become essential for the plaintiff to file reply statement.

9. I do not think that a reply statement is necessary in the case on hand. Apart from the stage at which the reply statement is sought to be filed, I am convinced that the averments made in the reply statement are not new and sufficient pleadings are already there in the suit itself. There is nothing that warrants filing of the reply statement. It is open to the plaintiff to prove that all the vendors in the sale deed dated 10.09.1984 were alive



*C.R.P.(PD).No.2378 of 2021*

on the date of execution of the said sale deed, since only dispute that the defendants raise is that one of the vendors was not alive on the said date.

**10.** I therefore do not see any irregularity or error of jurisdiction in the order of the trial Court to exercise jurisdiction under Article 227 of the Constitution of India. The Revision therefore fails and it is accordingly dismissed. No costs. Consequently, the connected petition is closed.

**08.11.2021**

dsa

Index : No

Internet : Yes

Speaking order

To

The Additional District Munsif,  
Thiruvallur



WEB COPY



*C.R.P.(PD).No.2378 of 2021*

**R.SUBRAMANIAN, J.**

dsa

**C.R.P.(PD).No.2378 of 2021**

**08.11.2021**