



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.R.P.(PD).No.2178 of 2017

and

C.M.P.No.10465 of 2017

[Video Conferencing]

1.Natesan
2.Premalatha

... Petitioners/Defendants

vs.

Arumugham

... Respondent/Plaintiff

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order in I.A.No.11 of 2017 in O.S.No.139 of 2015 dated 07.06.2017 on the file of the Sessions Court (Fast Track Mahila Court), Namakkal.

For Petitioners: Mr.C.Jagadish
For Respondent : Mr.T.Dhanaseelan

ORDER

This Civil Revision Petition has been filed by the petitioners against the order passed in I.A.No.11 of 2017 in O.S.No.139 of 2015 dated 07.06.2017 on the file of the Sessions Court (Fast Track Mahila Court), Namakkal.

2.The facts of the case, in a nutshell, are that the plaintiff is the respondent and the defendants are the petitioners in the suit in O.S.No.139 of 2015. The suit was filed for permanent injunction. The petitioners herein have filed the above application in I.A.No.11 of 2017 seeking permission to accept the additional written statement filed by the petitioners' side. Since the said application was dismissed by the impugned order, dated 07.06.2017, this Civil Revision Petition has been filed by the defendants.

3.Heard the learned counsel for the petitioners as well as the learned counsel for the respondent and perused the materials placed on record.

4.The learned counsel for the petitioners would submit that the respondent herein has filed a suit in O.S.No.139 of



2015 for the relief of permanent injunction against the petitioners herein. It is submitted that the petitioners herein have filed written statement and further, they filed a petition in I.A.No.11 of 2017, in order to receive the additional written statement and the Trial Court dismissed the same with a finding that the petitioners herein have filed this petition with malafide intention to give hardship to the aged respondent. It is further submitted by the learned counsel for the petitioners that since some important points were omitted to be stated in the written statement which was filed earlier, the petitioners filed a petition to receive the additional written statement which was erroneously dismissed by the Trial Court. Aggrieved against the said dismissal order, the petitioners herein have filed this present Civil Revision Petition.

5.The learned counsel for the respondent also would submit that since, the petition seeking to receive additional written statement was filed belatedly, the Trial Court has rightly dismissed the petition and no interference is called for on the same order.

6.After hearing the learned counsel on both sides and on perusal of the available records, this Court is of the opinion that the Trial Court ought to have allowed the petition at least by imposing some costs. Dismissal of the petition definitely would cause prejudice to the petitioner by curtailing their rights of putting forth some important facts, which may be useful for proper adjudication in the case. Hence considering the same, this Civil Revision Petition is allowed by setting aside the order of the Trial Court passed in I.A.No.11 of 2017, dated 07.06.2017. However, the respondent herein is at liberty to file his reply statement and the Trial Court is directed to dispose of the case as expeditiously as possible.

7.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssi

To:

1.The Sessions Judge, (Fast Track Mahila Court), Namakkal.

+1 cc to Mr.C.Jagadish, Advocate Sr.NO. 61380

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RGN(CO)

A.SK(14.12.2021)