

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP(PD).No.2707 of 2017

and

CMP.No.12881 of 2017

P.Elumalai

... Petitioner

Vs.

Sureshkumar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 10.03.2017 passed in I.A.No.907 of 2014 in O.S.No.41 of 2010 on the file of the Principal District Munsif Court, Chengam.

For Petitioner : Mr.P.Mani

For Respondent : Mr.N.Jayakumar for
: Mr.N.Murali

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.907 of 2014 in O.S.No.41 of 2010 dated 10.03.2017 on the file of the learned Principal District Munsif, Chengam, thereby, dismissing the petition seeking permission to receive additional written statement.

2. The petitioner is the defendant in the suit filed by the respondent for declaration and permanent injunction in respect of the suit property. After commencement of trial, when the suit was posted for defendant's side evidence, the respondent filed a petition seeking permission to receive additional written statement. While filing the written statement, due to inadvertence, he failed to mention certain facts that the petitioner's relatives were dead and their bodies were buried in the suit property. In fact, they also constructed respective domes for the deceased/relatives in the suit property. The Court below dismissed the petition holding that the petition was filed only to drag on the proceedings and it would cause serious prejudice to the respondent.

3. According to the petitioner, his close relatives and the family

members had died and their bodies were also buried in the suit property and they constructed domes for them in the suit property. However, now the petitioner is ready to produce the death certificates of the deceased/relatives at the time of trial.

4. Considering the above submission, this Civil Revision Petition is allowed and the order passed in I.A.No.907 of 2014 in O.S.No.41 of 2010 dated 10.03.2017 is set aside on condition that the petitioner shall produce the death certificates of the deceased/relatives along with additional written statement within a period of two weeks from the date of receipt of a copy of this order, failing which this order shall stand automatically cancelled. On receipt of the same, the respondent is permitted to file his reply for the additional written statement that will be filed by the petitioner herein. Thereafter, the trial Court is directed to dispose of the suit within a period of three months from the date of filing those documents. Consequently, the connected Miscellaneous Petition is closed. No costs.

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G.K.ILANTHIRAIYAN,J.

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To

1. The Principal District Munsif Judge, Chengam.
2. The Section Officer,
V.R.Section, High Court of Madras.



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