

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

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

CRP.PD.No.3982 of 2017

and

CMP.No.18593 of 2017

Natarajan

... Petitioner

Vs.

Soundaram

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 11.10.2017 made in I.A.No.250 of 2017 in O.S.No.160 of 2011 on the file of learned Sessions (Fast Track Mahila) Judge, Namakkal.

For Petitioner : Mr.T.Thirumalaisamy

For Respondent : Mr.M.Prem Kumar

ORDER

सत्यमेव जयते

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.250 of 2017 in O.S.No.160 of 2011 dated 11.10.2017 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal, thereby, dismissing the petition seeking permission to file additional written statement.

2. The petitioner is the third defendant in the suit filed by the respondent herein for partition. While pending the suit, the first defendant viz., the father of the petitioner herein died on 31.05.2005. In fact, the petitioner and other defendants were absent before the trial Court and as such, they were set ex-parte and the ex-parte decree was passed. The petitioner and other defendants filed a petition to set aside the ex-parte decree and the same was allowed on 04.10.2013. Thereafter, on 10.12.2012, the petitioner filed his written statement in the main suit after death of the first defendant viz., his father. Thereafter, when the matter was posted for trial on 04.01.2016, the respondent failed to appear and as such, the suit was dismissed for default and subsequently it was restored on 27.05.2017 and P.W.1 was examined in chief and posted for cross examination.

3. At this juncture, the petitioner herein filed a petition seeking permission to file additional written statement in respect of Will executed by the first defendant in favour of the petitioner herein. Admittedly, his father died on 31.05.2005 and only thereafter, he filed a written statement on 10.12.2012. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or irregularity in the order passed by the

Court below.

4. Accordingly, this Civil Revision Petition is dismissed. However, the suit is of the year 2011, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

1. The Sessions (Fast Track Mahila) Judge, Namakkal.
2. The Section Officer,
V.R.Section, High Court of Madras.

सत्यमेव जयते

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G.K.ILANTHIRAIYAN,J.

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