

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD).No.3960 of 2018

and

C.M.P.No.21941 of 2018

Tamilmani

... Petitioner

Vs.

1. Murugesan

2. Ellammal

3. T.Kumaravel

4. Diwakar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final orders dated 06.10.2018 passed in I.A.No.341 of 2018 in O.S.No.246 of 2012 on the file of the II Additional Sub Judge at Erode and allow the above C.R.P.

For Petitioner : M/s.N.Premalatha

For Respondents : Notice Served (No Appearance)
(for R-1 to R-3)

: Mr.M.Karthik for
Mr.I.C.Vasudevan (for R-4)

ORDER

This Civil Revision Petition is filed as against the fair and final order passed in I.A.No.341 of 2018 in O.S.No.246 of 2012 dated 06.10.2018 on the file of the learned II Additional Sub Judge, Erode, thereby dismissing the petition seeking permission to file additional written statement.

2. The petitioner is the second defendant in the suit filed by the first respondent herein for partition and permanent injunction. On receipt of summons, the petitioner and the other defendants have engaged counsel and the first, third and fourth defendants have filed their written statement. Thereafter, the petitioner filed a memo to adopt the written statement filed by the third defendant. After closing the evidence on both sides, when the suit was posted for arguments, the petitioner herein filed a petition seeking permission to file the additional written statement for the reason that his signature was obtained by the third defendant and a memo was filed to adopt the written statement filed by the third defendant. It is also seen that the petitioner failed to cross examine P.Ws. After a period of five years of the suit and also when the suit was posted for arguments, the present

petition came to be filed only to fill up the lacuna. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

3. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

09.07.2021

Speaking/Non-speaking order
Index : Yes/No
kv

To

1. The II Additional Sub Judge, Erode.
2. The Section Officer,
V.R. Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

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