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C.R.P.(PD).No.478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.02.2022**

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THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P. Nos.478 of 2022
and C.M.P.No.2520 of 2022

1.S.Narayanan
2.N.Anandhan
3.N.Govindhan

...Petitioners/Petitioners/Defendants.

Vs

1.G.Dhanalakshmi

... Respondent/Respondent/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to against the order and decreetal order in I.A.No.4 of 2021 in O.S.No.261 of 2015 on the file of the Prl. Sub Judge Dharmapuri, Dharmapuri District. dated 12.11.2021

For Petitioner : M/s. C.Palanisamy



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ORDER

Aggrieved by the dismissal of the petition for filing their additional written statement, defendants 1 to 3 are the revision petitioners before this Court. The brief facts of the case are as follows:

2. The respondent herein had filed a suit O.S.No.261 of 2015 on the file of the Principal Sub Judge, Dharmapuri, for specific performance. The revision petitioner/ defendants had filed a written statement inter-alia contending that there was no agreement of sale and it was only a loan transaction and the agreement has been executed as security for the loan.

3. The original written statement was filed on 21.11.2015, thereafter the defendants have come forward with the impugned petition on 07.10.2021 for filing an additional written statement. The contents of the additional written statement set forth an entirely new case. The application has been moved after the evidence of D.W.1 was completed and the matter listed for



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arguments. The reasons given for filing this application is that the earlier counsel had prepared and filed the written statement based on irrelevant facts and has omitted to place the correct facts. As soon as the defendant has come to know about the same they have changed the counsel and have filed the impugned petition.

4. The affidavit does not give any detail as to when the error in the contents of the written statement had been noted by the revision petitioner. Further a mere reading of the earlier written statement would clarify that the counsel could not have independently drafted the same and it can only be done with the input of the parties and therefore, the contention that the erstwhile advocate had prepared the written statement without seeking the instructions of the revision petitioner is totally unbelievable. Further the present application is moved at a highly belated stage.



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5. The learned Principal Sub Judge, Dharmapuri has rightly dismissed the application and I do not see any reason to interfere with the same. Accordingly the Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

21.02.2022

Index : Yes/No
Internet : Yes/No
Speaking / Non-Speaking
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To

1.The Principal Sub Judge Dharmapuri,
Dharmapuri District.



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P.T. ASHA, J,

shr

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