



C.R.P.(PD) No.486 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.486 of 2022

and

C.M.P. No.2549 of 2022

Kuppusamy

... Petitioner

Vs.

1.R.Paramasivam
2.M.Subramani
3.M.Karuppannan
Muthu Gounder (Died)
4.Arun Kumar
5.Chandra
6.Velavan
7.Kavitha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 07.12.2021 passed in I.A. No.2 of 2021 in O.S. No.123 of 2012 on the file of the District Munsif Judge, Rasipuram.

For Petitioner : Mr.S.Senthil



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C.R.P.(PD) No.486 of 2021



ORDER

The plaintiff is the revision petitioner herein challenging the dismissal of his application seeking to file reply statement in the Suit O.S. No.123 of 2012.

2. The brief facts are as follows:

The revision petitioner had filed Suit O.S.No.123 of 2012 on the file of the learned District Munsif, Rasipuram for a declaration that the decree in O.S.No.318 of 2004 dated 16.06.2004 is null and void; for a declaration that the first defendant should entrust possession of the property to the plaintiff. The detailed written statement was filed on 18.01.2013 by the first defendant. Thereafter, on 11.08.2021, the plaintiff has come forward with impugned application viz., I.A. No.2 of 2021 for seeking the leave of the Court to receive the reply statement filed by him.

3. The plaintiff would contend that on perusal of the written statement it appears that he had to necessarily refute the allegation contained therein, particularly with reference to the Sale Deed dated 07.10.1969. The first respondent has filed his counter contending that not only was the reply



statement belated but also contending that the application was nothing but an attempt to protract the proceedings. Ultimately, by order dated 07.12.2021, the learned District Munsif, Rasipuram was pleased to dismiss the application. Aggrieved by the same, the plaintiff is before this Court.

4. Heard the learned counsel for the petitioner, who has argued for admission.

5. The records would show that the written statement had been filed by the first defendant on 18.01.2013. The impugned I.A. has been filed only on 11.08.2021 nearly eight years after the filing of the written statement and the only averment contained in the affidavit filed in support of this petition is that on reading the written statement, the plaintiff came to realise that he had to refute certain allegations contained in the revision, particularly with reference to a Sale Deed dated 07.10.1969. This application is clearly a belated one. That apart, the reason stated in the affidavit can be proved by cross examining the defendants and there was no necessity to file a reply statement.



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6. The learned District Munsif, Rasipuram has rightly dismissed the petition and I have no reason to interfere with the order. Accordingly, this Civil Revision Petition is dismissed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

25.02.2022

Index : Yes/No
Speaking Order : Yes / No
ab/ssn

To

1. The District Munsif, Rasipuram.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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P.T. ASHA, J,

ab/ssn

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