



C.R.P.No.524 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.524 of 2022
and C.M.P.No.2779 of 2022

Sivakumar

.. Petitioner

Vs.

Kalpana

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the order and decreetal order dated 25.03.2021 in I.A.No.21 of 2021 in O.S.No.111 of 2014 on the file of Principal District Munsif Court, Thirukoilur.

For Petitioner : Mr.R.Poornima

For Respondent : Mr.S.Duraipandian

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking leave of the Court to file additional written statement.

2. The respondent herein filed the suit for partition and the petitioner herein



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already filed the written statement and the suit was taken up for trial and it is posted for cross examination of P.W.1. At this stage, the revision petitioner has filed an application in I.A.No.21 of 2021 seeking leave of the Court to file additional written statement. In the additional written statement, the revision petitioner wants to raise a plea that item nos. 6 and 11 of the suit property were bequeathed to her by Devagi by the Will dated 15.07.1997. In fact, the said Will was already referred by the third defendant in the suit in her written statement and copy of the Will was also filed along with the written statement of the third defendant. In the circumstances, allowing the revision petitioner to file an additional written statement to raise a plea regarding the Will dated 15.07.1997 would not cause any prejudice to the respondent herein.

3. The Court below dismissed the application seeking leave of the Court to file additional written statement merely on the ground that the reasons given by the revision petitioner for the delay in filing the additional written statement are not sufficient and acceptable. Merely because there is a delay on the part of the revision petitioner, the additional written statement filed by him need not be rejected. The suit is posted for cross examination of PW1. The effective participation of revision petitioner/defendant in the trial commences only at the



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S.SOUNTHAR, J.

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