



C.R.P.(PD).No.992 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2022

CORAM:
THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.R.P.(PD).No.992 of 2019 and
C.M.P.No.6565 of 2019

1.Ramachandran
2.Vinothkumar

... Petitioners

Vs.

G.Jayapal

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.412 of 2018 in O.S.No.164 of 2012 by the learned Principal District Munsif at Cuddalore/(FAC) Additional District Munsif, Cuddalore dated 02.01.2019.

For Petitioners : Mr.S.Suresh

For Respondent : Mr.K.Kalaivanan

ORDER

This Civil Revision Petition is filed challenging the order dated 02.01.2019 passed in I.A.No.412 of 2018 in O.S.No.164 of 2012 by the learned Additional District Munsif, Cuddalore.

2. The respondent/plaintiff has filed a suit in O.S.No.164 of 2012 before the Principal District Munsif, Cuddalore, for recovery of possession of the suit property from the defendants and for mandatory injunction. Pending the suit,



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the petitioners/defendants 1 and 2 have filed I.A.No.412 of 2018 before the learned Additional District Munsif, Cuddalore to file additional written statement. The Court below, by order dated 02.01.2019, dismissed the said application, against which, the petitioners/defendants 1 and 2 have filed the present Civil Revision Petition.

3. The case of the Revision Petitioners is that the petitioners have got every right to put forth their defences against the claim made by the respondent/plaintiff by filing additional written statement. According to them, the Court below did not notice the said fact and has rejected their claim. Further, the omitted facts are important to the case and if the Petitioners/Defendants 1 and 2 are not allowed to file additional written statement, it will cause loss to the petitioners and hence, the Petitioners/Defendants 1 and 2 have filed the above Civil Revision Petition.

4. According to the respondent, I.A.No.412 of 2018 has been filed to prolong the suit proceedings.

5. Heard both sides and perused the materials available on record.

6. It is seen that the petitioners have already filed written statement and



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thereafter additional written statement with counter claim. Now, for the 3rd time the petitioner have come forward by filing I.A.No.412 of 2018 only with an intention to drag on the proceedings. Further, a reading of the additional written statement would go to show that the petitioners have altogether come forward with a new plea, which if considered would change the nature of the suit proceedings. It is also averred that the suit is of the year 2012 and it is in the part-heard stage. The learned Judge has rightly rejected the claim of the petitioners and dismissed the application and the same needs no interference of this Court.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.07.2022

Index : Yes/No
Speaking order : Yes/No
dm



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J.NISHA BANU. J.,

dm

To

The Principal District Munsif at Cuddalore/(FAC)
Additional District Munsic, Cuddalore.

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