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C.R.P.(PD) No.996/20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **15.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD)No.996 of 2022

and

CMP.No.5169 of 2022

1.M.Natarajan

2.N.Pradeeskumar

...

Petitioners

Vs.

Santhimathi

...

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 28.02.2022 in I.A.No.2 of 2022 in O.S.No.438 of 2011 on the file of I Additional Sub Court, Erode.

For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondent : M/s.Zeenath Begam

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned I Additional Subordinate Judge, Erode, dated 28.02.2022 in



I.A.No.2/2022 in OS.No.438/2011.

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2. The Revision petitioners are the defendants in the suit.

3. This petition in I.A.No.2/2022 has been preferred to receive the additional written statement and the same was dismissed. Aggrieved over that, this Civil Revision Petition has been filed by the defendants.

4. The learned counsel for the revision petitioners submitted that the learned trial Judge ought to have received the additional written statement in the interest of justice and that the object of filing the additional written statement is only to substantiate the points already pleaded in the written statement by providing more particulars like names and survey numbers.

5. The learned counsel for the respondent submitted that the petition to receive additional written statement has been preferred only for the purpose of making further delay; a direction of the High Court has already been given to dispose the suit within a prescribed time limit. He



further submitted that there is no need to file additional written statement and the pleadings in the written statement are not relevant for the purpose of the suit.

6. The revision petitioners/defendants have filed an additional written statement by substantiating their pleadings made in the original written statement by providing survey numbers and names of the parties relating to the suit property. Since the revision petitioners /defendants have raised a plea of non jointer necessary parties, it is necessitated for the petitioners /defendants to file the additional written statement for the purpose of substantiating their contentions. Since the suit is still pending , an opportunity could have been given to the petitioners to file their additional written statement. The learned trial Judge has taken a rigid view and disallowed the petition. Hence, I feel that the order of the learned trial Judge is liable to be set aside.

7. Thus, the Civil Revision Petition stands **allowed** and the order of the learned I Additional Subordinate Judge, Erode, dated 28.02.2022 made in I.A.No.2/2022 in O.S.No.438/2011, is set aside. No costs. However,



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taking into consideration of the long pendency of the suit, the learned trial

Judge is directed to dispose of the suit as expeditiously as possible.

Consequently connected miscellaneous petition is also closed.

15.06.2022

Index : Yes/No
Speaking Order : Yes / No
jrs

To

1. The I Additional Sub Court, Erode.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

jrs

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