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C.R.P(PD) No.1043 of 2022 and

C.M.P.No.5348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MS. JUSTICE **R.N.MANJULA**

C.R.P (PD).No.1043 of 2022 and

C.M.P.No.5348 of 2022

V.Manimaran

... Petitioner

Vs.

M.Prabakaran

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 17.11.2021 passed in I.A.No.179 of 2021 in O.S.No.258 of 2017, on the file of the learned Additional District Munsif at Cuddalore by allowing the present civil revision petition.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.K.A.Ravindran

ORDER

This revision petition has been filed to set aside the order and decreetal order dated 17.11.2021 passed in I.A.No.179 of 2021 in O.S.No.258 of 2017, on the file of the learned Additional District Munsif at Cuddalore.

2. Heard the learned counsel for the petitioner and the learned



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counsel for the respondent.

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3. The petitioner is the plaintiff in the suit which has been filed against the respondent for the relief of declaring the sale deed as null and void and for recovery of possession. After examination of the plaintiff side witness, the petitioner / plaintiff has filed a petition under order 8 Rule 9 of C.P.C., to receive his reply statement. The said petition was dismissed. Aggrieved over that, this civil revision petition has been preferred.

4. The learned counsel for the petitioner submitted that by way of filing the reply statement, he only wanted to establish that there is an another agreement in existence and nothing more. He further submitted that in the interest of justice, an opportunity should be given to him.

5. The learned counsel for the respondent vehemently argued that having allowed the cross examination of P.W.1 done and just in order to fill up the lacuna and to mitigate the cross examination of the P.W.1, this petition has been filed.

6. The written statement of the respondent / defendant has been filed



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as early as on 06.11.2017. The reply statement is sought to be filed only in the month of April 2021. Before filing the petition to receive the reply statement, the cross examination of P.W.1 also was over. At this stage, if the petitioner / plaintiff prefers to file any reply statement, that would only prejudice the interest of the defendant, who by way of cross examination have extracted evidence adverse to the case of the plaintiff. So, I find no valid reason to interfere in the order passed by the learned Trial Judge.

7. Accordingly, this civil revision petition stands dismissed and the order passed by the learned Additional District Munsif, Cuddalore in I.A.No.179 of 2021 in O.S.No.258 of 2017 dated 17.11.2021, is confirmed. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No

Speaking or Non-speaking order
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R.N.MANJULA, J.

gsk

To

The Additional District Munsif, Cuddalore.

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