



C.R.P. (NPD) No.973 of 2021
and CMP No.7813 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Civil Revision Petition (NPD) No.973 of 2021
and CMP No.7813 of 2021

Paneerselvam

.. Petitioner

Vs.

1. Udhaiandarayar

2. Palanivel

3. Balamurugan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order of the I Additional District Munsif Court, Virudhachalam in I.A.No.493 of 2018 in OS No.197/2015 dated 08.12.2020.

For Petitioner : Mr.G.Surya Narayanan

For Respondents : Mr.C.D.Sugumar



C.R.P. (NPD) No.973 of 2021
and CMP No.7813 of 2021

ORDER

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Challenge in this Revision is to the order, rejecting an application filed by the petitioner seeking leave to file a reply statement. The petitioner sued for a declaration of his title and consequential injunction or in the alternative for recovery of possession.

2. The defendants resisted the suit contending that the first defendant had executed a Settlement Deed in the name of the third defendant on 31.08.2009. It was also claimed that the plaintiff has attested the said instrument. The plaintiff sought for permission to file a reply statement claiming that he attested the document on the premise that it is a Mortgage Deed and he did not know the contents of the document.

3. The said application was dismissed by the learned Trial Judge on the ground that it is belated and it is not necessary. The Trial Judge concluded that the reply statement need not be filed to controvert or deny the averments made in the written statement, the reply statement can be filed only to place on record some new facts which are not already available on



C.R.P. (NPD) No.973 of 2021
and CMP No.7813 of 2021

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record. I am unable to fault the Trial Court for the conclusions it has reached.

4. The plaintiff claims title is for the plaintiff to prove his title, the claim of the defendants is that the first defendant settled the property in favour of the third defendant and the plaintiff had attested the instrument. It is open to the plaintiff to demonstrate before the Court that he had no knowledge of the contents of the documents when he attested the document. In order to make out such a plea, a reply statement, in my opinion, is wholly unnecessary.

5. Hence the Revision fails and it is accordingly **dismissed**. Consequently the connected miscellaneous petition is closed. No costs. It will be open to the plaintiff to establish his claim regarding the execution of the settlement deed.

04.01.2022

jv

3/5



C.R.P. (NPD) No.973 of 2021
and CMP No.7813 of 2021

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Index: Yes/No

Internet: Yes/No

Speaking order/Non Speaking Order

To

1. The I Additional District Munsif Court,
Virudhachalam.
2. The Section Officer,
V.R.Section,
High Court of Madras.



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C.R.P. (NPD) No.973 of 2021
and CMP No.7813 of 2021

R.SUBRAMANIAN, J.

jv

Civil Revision Petition (NPD) No.973 of 2021
and CMP No.7813 of 2021

04.01.2022