



WEB COPY



C.R.P.(PD).No.1844 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(PD).No.1844 of 2022

and

C.M.P.No.8440 of 2022

Vimalkumar Jain

... Petitioner

Vs.

S.Elumalai

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order fair and decreetal orders dated 05.04.2022 passed in I.A.No.1 of 2021 in O.S.No.5 of 2018 on the file of the I Additional District Court, Tindivanam.

For Petitioner : Mrs.R.Meenal

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned I Additional District Judge, Tindivanam dated 05.04.2022 made in I.A.No.1 of 2021 in O.S.No.5 of 2018.



C.R.P.(PD).No.1844 of 2022

2. The revision petitioner is the plaintiff in the suit. The respondent/defendant has filed a petition in I.A.No.1 of 2021 to receive additional written statement and the same was allowed. Aggrieved over that this revision petition has been preferred.

3. The learned counsel for the petitioner has submitted that the additional written statement itself is not maintainable and the respondent under the guise of filing additional written statement has made untenable allegations in the same.

4. It is reliably learned that the trial in the suit has already been commenced and now the suit is pending for cross-examination of PW1. By merely receiving the written statement there cannot be any guarantee that the averments made in the written statement is totally accepted by the Court. It is upto the parties to prove or disprove their contentions by producing proper materials before the Court. No prejudice would be caused to the plaintiff by allowing the petition to receive the additional written statement.

5. So I find no reason for interference. Accordingly, this Civil Revision



C.R.P.(PD).No.1844 of 2022

Petition is dismissed. However, the learned I Additional District Judge, Tindivanam is directed to dispose of the suit as expeditiously as possible. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

17.06.2022

Index: Yes/No

Speaking / Non Speaking Order

dsa

To

The I Additional District Judge, Tindivanam.



WEB COPY



C.R.P.(PD).No.1844 of 2022

R.N.MANJULA, J

dsa

C.R.P.(PD).No.1844 of 2022

17.06.2022