



CRP.(PD).No.1714/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP.(PD)No.1714 of 2021
& CMP.No.13346 of 2021

Jeyabalan

...Petitioner/Petitioner/
Defendant

Vs

Jeevakumar

...Respondent/Respondent/
Plaintiff

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree dated 01.04.2021 in I.A.No.367 of 2021 in O.S.No.323 of 2015 on the file of Principal District Munsiff Court at Gingee.

For Petitioner : Mr.R.Rajarajan
For Respondent : Mr.D.Ravichander

**ORDER**

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An Application was taken out by the respondent for filing an additional written statement to highlight a certain perceived discrepancy between the boundaries of the suit properties as covered by the sale deed in favour of the plaintiff and that of the suit property. This was dismissed and hence, the defendant is before the Court.

2.The learned counsel for the respondent submitted that the plaintiff/respondent himself has conceded this difference in the plaint and he is relying only on the point of projecting the case on the actual extent, as to the extent that was conveyed, notwithstanding the boundaries stated in the sale deed. Whether the boundaries as stated in the sale deed in favour of the plaintiff or that which he has provided in the plaint would prevail, essentially involves a question of law, and it may not require any additional written statement.

3.After hearing rival side, this Court is satisfied that by letting the defendant file an additional written statement is not going to vary the defence he has



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taken before the trial Court nor it is going to impact the strategy of the plaintiff in a serious way and since the matter is still pending trial, this Court deems it appropriate to allow the defendant to file his additional written statement.

4.The order of the trial Court in I.A.No.367 of 2021 in O.S.No.323 of 2015 dated 01.04.2021 is set aside and the Civil Revision Petition is accordingly allowed. The trial Court is directed to take the same on file, if any issues need to be framed, it is to be framed forthwith and the trial may have to continue. For all inconveniences that the defendant may have caused to the plaintiff due to belated doning of additional wisdom in strategizing his defence, this Court imposes a cost of Rs.15,000/- (Rupees Fifteen Thousand only) payable to the respondent. No costs. Consequently, the connected miscellaneous petition is closed.

16.03.2022

Index : Yes/No
Speaking Order/Non Speaking Order
Tsg



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N.SESHASAYEE, J.,

Tsg

To
The Principal District Munsiff Court,
Gingee.

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