

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED:03.11.2022****CORAM:****THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

C.R.P.(PD)No.3178 of 2022
and CMP.No.16946 of 2022

1.Parvathi
2.Govindharaj

...Petitioners

Versus

1.Kuppusami
2.Vijayalakshmi

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 02.03.2022 passed in I.A.No.2 of 2021, in O.S.No.153 of 2014, on the file of the District Munsif Court, Rasipuram.

For Petitioners :Mr.S.Senthil

O R D E R

The Civil Revision Petition is filed challenging the order passed by the Court below, dismissing the petition filed by the petitioner/plaintiff, seeking



to file an additional reply statement.

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2. The petitioner herein, filed a suit for bare injunction restraining the respondent from interfering with his possession and use over the suit AB pathway. The respondent filed a written statement as early as 21.04.2015, denying the right and possession of the petitioner over the suit property. Thereafter, the petitioner herein filed a reply statement on 14.08.2018. Now, the petitioner has come up with the instant application in I.A.No.2 of 2021, seeking leave to file additional reply statement. In his affidavit, he averred that the respondent herein subsequently filed a suit in O.S.No.22 of 2019 and the petitioner wants to refer to the facts concerning the subsequent suit filed by the respondent and for that purpose, he wanted to file a reply statement.

3. The present suit is filed by the petitioner alleging that he is in possession of the suit property. The petitioner has to prove his legal possession and succeed in the suit. The facts relating to the subsequent suit filed by the respondent against the petitioner is not at all necessary to decide the issues involved in the present suit. It is always open to the petitioner to



obtain the certified copy of the plaint filed by the respondent in subsequent suit and mark the same as exhibit in the present suit. Therefore, absolutely, there is no necessity for filing reply statement by the revision petitioner.

4. I do not find any error in the order passed by the Court below, dismissing the petition filed by the revision petitioner, seeking permission of the Court to file additional reply statement.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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S.SOUNTHAR, J.

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To
The District Munsif Court,
Rasipuram.

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