

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED:12.10.2022****CORAM:****THE HONOURABLE Mr. JUSTICE S.SOUNTHAR****C.R.P.(PD)Nos.3274 and 3275 of 2022
in CMP.Nos.17383 of 2022 and 17385 of 2022**

Dr.S.Parthasarathy

...Petitioner in both CRPs

Versus

V.G.Srinivasan

...Respondent in both CRPs

COMMON PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the dismissal orders, dated 21.09.2022 as not maintainable passed by the learned II Assistant Judge, City Civil Court, Chennai, in I.As filed under S.R.Nos.59332 and 59333 of 2022, in O.S.No.9001 of 2008.

For Petitioner

in both CRPs

:Mr.P.S.Vijayakumar

For Respondent

in both CRPs

:M/s.K.Azhagu Raman

for Caveator



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COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the Court below, dismissing the petition filed by the petitioner to file additional written statement and also to recall DW.1 for further evidence.

2. The suit is of the year 2008, the trial in the suit was already over. The suit is posted for arguments of the counsel. The perusal of typed set of papers would suggest that the respondent/plaintiff side counsel already advanced arguments in the suit on 12.09.2022 and the matter was posted for arguments of the revision petitioner/defendant side and at that stage, the revision petitioners have filed a petition to receive additional written statement and also a petition to recall DW.1 for further evidence. In the affidavit filed in support of the petitions to re-open the case and to receive additional evidence, the revision petitioner has averred that if filing of additional written statement and the petition to recall DW.1 for further evidence, are not permitted, the petitioner will be put to serious loss.



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3. The perusal of petitioners affidavit would suggest the petitioner herein filed his exhibits in installments by filing two petitions to raise additional evidence and also moving this Court by way of revision. Subsequently, cross examination, Re-examination, Re-cross etc., were also done by the parties. Now the petitioner has come up with additional written statement. The petitioner has not given any justifiable reason for filing additional written statement and it is not open to petitioner to file additional written statement and seek recall without genuine and justifiable cause.

4. Having regard to the fact that the suit was filed in the year 2008 and the revision petitioner herein had filed his original written statement on 12.05.2015 itself and participated effectively with the original written statement, the reasoning given by the petitioner for receiving additional evidence after the matter is posted for arguments and arguments of the respondent was already over, cannot be accepted.



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S.SOUNTHAR, J.

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5. Therefore, I do not find any illegality or irregularity in the order passed by the Court below. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

12.10.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

The II Assistant Judge, City Civil Court,
Chennai.

C.R.P.(PD)Nos.3274 and 3275 of 2022