



CRP.No.3444 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3444 of 2022

ands

CMP.No.18331 of 2022

Kuppayammal

... Petitioner

Vs.

1.S.Devaraj

2.M.Arunavadivel

3.Veeralakshmi

4.K.A.Palanisamy

5.P.Sundaramoorthy

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 27.06.2022 made in I.A.No.2 of 2021 in O.S.71 of 2016 on the file of the learned Principal Subordinate Court, Erode, by allowing this Civil Revision Petition.



CRP.No.3444 of 2022

For Petitioner : Mr.R.Prabakar

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below allowing the petition filed by the first respondent/plaintiff seeking leave of the Court to file reply statement.

2. The first respondent filed a suit for declaration of the title and permanent injunction in O.S.No.71 of 2016 on the file of the Subordinate Court, Erode. The suit was originally filed against the respondents 2 to 4. Subsequently, the petitioner herein was impleaded as fifth defendant in the suit. Thereafter, the petitioner herein filed his written statement wherein, the petitioner referred to earlier suit for partition in O.S.No.202 of 2013 on the file of the same Court between the first respondent and the second respondent.



CRP.No.3444 of 2022

WEB COPY

3. It was specifically pleaded by the petitioner that there was a collusion between the present plaintiff and the first defendant namely, the respondents 1 & 2 herein and decree was obtained on 30.11.2018. In response to the averments made by the petitioner in his written statement regarding the collusion between the first respondent and second respondent in the earlier suit, the first respondent/plaintiff filed his reply statement explaining the circumstances under which, the earlier suit was initially dismissed for default and then restored and decreed.

4. The petitioner herein has not shown any tenable objections for filing reply statement by the first respondent in response to his averments made in his written statement. Admittedly, the reply statement was filed when the suit was posted for commencement of trial, the trial has not commenced. Hence, I do not find any illegality or irregularity in the order passed by the Court below.



CRP.No.3444 of 2022

S.SOUNTHAR , J.

dna

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

10.11.2022

Index : Yes / No

Internet : Yes / No

dna

To

The Principal Subordinate Court, Erode.

CRP.No.3444 of 2022

and

CMP.No.18331 of 2022