



CRP No.604 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.604 of 2019
and C.M.P.No.4052 of 2019

1.A.Kaliammal
2.A.Subramaniam
3.A.Ponnusamy

..Petitioners

Vs.

1.Kaliammal
2.Poovathal
3.S.Ramasamy

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 12.06.2018 passed by the II Additional District Munsif, Coimbatore, in I.A.No.766 of 2016 in O.S.No.530 of 2003.

For Petitioners : Mr.L.Mouli

For Respondents

For R1 : Mr.P.Valliappan

For R2 & 3 : No appearance

ORDER

This civil revision has been filed as against the fair and decreetal order dated 12.06.2018 passed in I.A.No.766 of 2016 in O.S.No.530 of 2003 on the



file of the II Additional District Munsif, Coimbatore, thereby allowing the second defendant to file an additional written statement.

2. Heard both side and perused the materials available on record.

3. The petitioners are the plaintiffs. They filed a suit for interim injunction in respect of the suit property. Thereafter, the first defendant filed a written statement on 24.04.2003 and the defendants 2 and 3 filed their written statement on 15.06.2003. Thereafter, the second defendant filed an application to receive the additional written statement on the ground that that she is an illiterate lady having no legal factum. Therefore, she believed the words of the third defendant and adopted the written statement filed by the third defendant. She also came to know that the third defendant, for reasons best known to him, has filed a written statement bereft of details and averments that might prejudicially affect her case.

4. The learned counsel for the petitioners would submit that there was delay in filing the application to receive the additional written statement about 13 years. In the first written statement, the second and third defendants categorically admitted the averments made in the plaint. The said admission



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bond cannot be withdrawn by the additional written statement. The Court below allowed the said application.

5. On perusal of additional written statement revealed that the allegations contained in the Para 7 to 10 in the plaint as false. In so far as, the delay is concerned, admittedly, the trial has not commenced and it is a pre-trial application to receive the written statement. Therefore, it can be permitted. It is made clear that whatever the admissions made in the first written statement cannot be brushed aside by the trial Court during the trial.

6. With the above clarification, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2022

Speaking/Non-speaking order

Index : Yes/No

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To

The II Additional District Munsif,
Coimbatore.



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