



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2022
CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

**CRP (MD) .No. 1358 of 2014 and
MP (MD) .No.1 of 2014**

1.Therasamani Morais (died)
2.S. Ponnusamy
3.Paulraj
(3rd petitioner brought on record as LR's of the
deceased 1st petitioner vide order dated
26.06.2018 made in CMP.No.2170 of 2017) .. Petitioner

Vs.

1.Vijayammal (died)
2.Vaitheeswaran
3.V.Vasanth Kumar
(R2 and R3 are impleaded vide
Court order dated 26.06.2018 made in
CMP.No.9989 / 2016) .. Respondents

Prayer: These Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 11.03.2014 passed in I.A.No.387 of 2010 in A.S.No.12 of 2006 on the file of the II Additional District Judge, Tiruchirappalli.

For Petitioner	.. Ms. J. Maria Roseline
For 2 nd respondent	.. Ms. T. Banumathi
For R1	.. Died
For R2	.. NA

ORDER

The revision petitioner / appellant / defendant filed this revision to set aside the order, dated 11.03.2014 passed in I.A.No.387 of 2010 in A.S.No.12 of 2006 on the file of the II Additional District Judge, Tiruchirappalli.

2. Heard the learned counsel appearing for the petitioners and counsel for the 2nd respondent and perused the materials available on record.

3. The said I.A.No.387 of 2010 filed by the petitioners to receive the additional written statement in the appellate stage.



The suit is for declaration to the effect that the plaintiff being the wife of Late Marudamuthu is the owner of the possession and enjoyment of the suit property and also for permanent injunction. The defendant filed a written statement and contended that they have purchased the entire suit property and the suit was decreed. Against which, the revision petitioners / defendants filed an appeal in A.S.No.12 of 2000.

4. Now, the revision petitioners filed an additional written statement and has stated that the original plaintiff Vijayammal is not the wife of Late Marudamuthu and the power agent in the plaint is very peculiar. The revision petitioners are the third parties to the family of said Marudamuthu and they have stated that they had knowledge of the case only after filing the appeal. So, disputed the status of Vijayammal and the said Vijayammal is also died during appeal.

5. Now, the purchasers are added as Legal heirs of the deceased Vijayammal in the Civil Revision Petition. So, it is necessary to the revision petitioners to contest the appeal against the purchasers, who purchased the property from settlee of Vijayammal. Since the revision petitioners are third party to the family of Marudamuthu there is nothing prejudice in receiving the additional written statement and the revision petitioner also file the received document petition.

6. With the available documents, the appellate Court can decide the matter on merits and if necessary, the original suit can be remanded to the trial Court for adducing fresh evidence by both sides. After receiving the evidence, the appellate Court can decide the matter.

7. With the above observation, this Civil Revision petition is allowed by setting aside the dated 11.03.2014 passed in I.A.No.387 of 2010 in A.S.No.12 of 2006 on the file of the II Additional District Judge, Tiruchirappalli. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

II Additional District Judge, Tiruchirappalli.

+1 CC to M/s.T.BANUMATHY, Advocate (SR-12943[F] dated 18/03/2022)

+1 CC to M/s.T.BANUMATHY, Advocate (SR-13587[F] dated 22/03/2022)

CRP (MD) .No. 1358 of 2014 and
MP (MD) .No.1 of 2014

18.03.2022

_SS/25.03.2022 : 3P/4C