



C.R.P.No.92 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM:

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

C.R.P.No.92 of 2023
and
C.M.P.No.689 of 2023

P.Aranganayagi

... Petitioner

Versus

1.S.Ramachandra Reddy

2.P.Vijayakumar

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the impugned fair and decreetal order dated 10.10.2022 made in I.A.No.8 of 2022 in O.S.No.155 of 2019 on the file of the Additional District Judge (FTC), Vellore.

For Petitioner : Mr.J.Jayan

For Respondents : No appearance

ORDER

The Civil Revision Petition has been filed against the fair and decreetal order dated 10.10.2022 made in I.A.No.8 of 2022 in O.S.No.155



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of 2019 passed by the learned Additional District Judge (FTC), Vellore.

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2.The revision petitioner is the second defendant in the suit and the first respondent in the Interlocutory Application has instituted a suit in O.S.No.155 of 2019 for specific performance. It is not in dispute that the revision petitioner filed written statement in the suit. Admittedly, the suit is posted for trial and the trial commenced. At that point of time, the revision petitioner filed an Interlocutory Application in I.A.No.8 of 2022 seeking the permission of the Trial Court to file an Additional Written statement under Order VIII Rule 9 of C.P.C. The Code stipulates that no pleading subsequent to the written statement of a defendant other than by way of defence to set-off or counter-claim shall be presented except by the leave of the Court.

3.The Interlocutory Application filed by the revision petitioner was adjudicated by the Trial Court and the finding of the Trial Court reveals that in the written statement filed by the revision petitioner/second defendant, there is no new plea or new defence mentioned in the additional



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written statement sought to be filed. The suit was posted for trial and therefore, the parties can prove their case by examination of witnesses and cross examination. Since there is no additional pleading mentioned in the additional written statement, the Trial Court declined to grant permission to file additional written statement.

4.In view of the Code of Civil Procedure and considering the findings of the Trial Court, this Court does not find any ground for the purpose of interference with the orders passed by the Trial Court. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.01.2023

Index: Yes

Internet: Yes

Neutral Citation Case: Yes / No

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To

1.The Additional District Judge (FTC), Vellore.

2.The Section Officer, VR Section, Madras High Court.



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S.M. SUBRAMANIAM, J.,

sp

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