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C.R.P.(PD).No.1775 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.07.2023**

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.1775 of 2012
and M.P.No.1 of 2012

1.Mathaiyan
2.Chetty @ Arumugam
3.Natarajan
4.Ramesh

... Petitioners

Vs

Kuppayee @ Eswari

... Respondents

PRAYER:-Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to under Article 227 of the Constitution of India to set aside the order in I.A.No.1214 of 2011 in O.S.No.304 of 2007, dated 16.12.2011 on the file of the District Munsif Court, Salem.

For Petitioners : Mr.R.Ezhilarasan

For Respondent : Mr.A.Rajesh Kanna



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ORDER

This Civil Revision has been filed challenging the order made in I.A.No.1214 of 2011 in O.S.No.304 of 2007, dated 16.12.2011 on the file of the District Munsif Court, Salem.

2. O.S.No.304 of 2007 has been presented for bare injunction. It was resisted by the petitioner/ defendant stating, even prior to the purchase by the plaintiff, the Government had acquired the property under the provisions of Act 31 of 1978. The acquisition proceedings was challenged before this Court and ended in dismissal.

3.The very same statement is sought to be expanded by filing a fresh written statement three years thereafter. To wit, the original statement was filed in March 2008 and in September 2011, a fresh written statement containing the same averments was sought to be filed.

4.The Court below has dismissed the application holding that



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there is no necessity to grant leave to file an additional written statement especially when the evidence of the plaintiff has been closed. This seems to be a case where the defendant some how or the other wants to drag on the matter.

5.I do not find any error in the order of the Trial Court. The C.R.P. deserves only an order of dismissal and accordingly, the Civil Revision is dismissed.

6.The trial Court is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.07.2023

gba

Index: Yes/ No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

To

The District Munsif Court, Salem.

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