



C.R.P.No.2334 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**C.R.P.No.2334 of 2023
and
C.M.P.No.14195 of 2023**

1. Pazhani
2. Kuberan
3. Prabu

... Petitioners

Versus

Perumal (died)

1. Rani
2. Senthil
3. Suresh
4. Lakshmi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, prays to set aside the fair and decretal order in I.A.No.513 of 2022 in O.S.No.183 of 2012, dated 20.03.2023 on the file of the I Additional Subordinate Judge, Villupuram.

For Petitioners : Mr.N.Suresh

ORDER

This Civil Revision Petition has been filed against fair and decretal order in I.A.No.513 of 2022 in O.S.No.183 of 2012 dated 20.03.2023 before the learned I Additional Subordinate Judge, Villupuram.



WEB COPY

2. The respondents/plaintiffs filed a suit in O.S.No. 183 of 2012 before the learned I Additional Subordinate Judge, Villupuram, for declaration and permanent injunction in respect of the suit property. The petitioners/defendants have filed written statement in the year 2012 itself. After completing the evidence of the plaintiffs side as well as DW1 in-chief, the matter was posted for cross-examination of DW1. At this juncture, the petitioners/defendants have filed the application for filing additional written statement on the ground that the illegal description, measurement and identification of the property.

3. On a perusal of the records, it is seen that the petitioners/defendants filed their written statement in the year 2012 itself. There is absolutely no whisper about the ground raised by the petitioners/defendants in respect of the prayer sought for by the respondents/plaintiffs. After completion of plaintiffs side evidence, and when the matter was posted for cross-examination of DW1, at that time, the petitioners/defendants have come forward with the application sought permission to file additional written statement in the suit, is not sustainable and hence, the above Revision is liable to be dismissed.



C.R.P.No.2334 of 20__

WEB COPY

4. It could be seen that there is no need to file additional written statement by incorporating the said legal plea. Further, it is one of the basic Rule of the pleadings under law and it need not be pleaded. Therefore, the Court below has rightly dismissed the petition filed by the petitioners/defendants. Hence, this Court finds no merits and there is no illegality or irregularity in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. However, the suit is of the year 2012, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

14.07.2023

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
kv



WEB COPY



C.R.P.No.2334 of 20__

V.BHAVANI SUBBAROYAN,J.

kv

1. The I Additional Subordinate Judge, Villupuram.
2. The Section Officer,
V.R.Section, High Court of Madras.

C.R.P.No.2334 of 2023

14.07.2023