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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HONOURABLE Mr. JUSTICE V. LAKSHMINARAYANAN

Civil Revision Petition.No.3374 of 2019

P.Venkatesan

... Petitioner

Vs.

P.Palanisamay

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and final order dated 10.09.2019 made in I.A.No.374 of 2018 in O.S.No.44 of 2015 on the file of the Sub Court, Uthangarai.

For Petitioner : Mr.P.Saravana Sowmiyan
For Respondent : Mr.V.Nicholas

ORDER

Here is a case where the second defendant would want to withdraw the written statement filed by him and present a new written statement to the Court.



2. I have gone through the written statement of the second defendant.

It has gone into great detail denying paragraph by paragraph of the plaint. It is on the basis of the written statement, the Court had proceeded for trial. The mere fact that his sister and himself had engaged the same Lawyer and had given instructions and benefit extended to his sister does not mean the second defendant also should be given the same benefit. The second defendant had given instructions to his Lawyer and he has prepared and filed a detailed written statement. It is not open to the party to file a written statement and in half way through the proceedings, dump that statement and attempt to come up with a new one. Therefore, I am not willing to extend the same grace extended to V.Madeswari to P.Venkatesan. Though, I differ from the reasoning of the learned Trial Judge, I am of the view, he has reached the right conclusion in not permitting P.Venkatesan to file a fresh written statement. Consequently, I.A.No.374 of 2018, dated 10.09.2019 is confirmed and C.R.P.No.3374 of 2019 stands dismissed. No costs.

04.07.2023

(2/2)

jai

Index:Yes/No

Speaking Order: Yes/No



To
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The Sub Court,
Uthangarai.



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V. LAKSHMINARAYANAN
jai

C.R.P.No.3374 of 2019

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