



C.R.P.(PD)No.3235 of 2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.3235 of 2017

1.Chinnasamy

2.R.Kaliyannan

3.N.Ganesan

.. Petitioners

VS

1.N.Arumugam

2.The Tahsildar,
Tiruchengode.

.. Respondents

Petition filed under Article 227 of the Constitution of India against the order dated 05.07.2017 passed in I.A.No.926 of 2016 in O.S.No.116 of 2015 on the file of Subordinate Judge at Tiruchengode.

For Petitioners : Mr.S.Senthil

For Respondents : Ms.Adhisree (for R1)
for Mr.N.Manokaran



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ORDER

WEB COPY The suit had been filed before the learned District Munsif @

Tiruchengode in O.S.No.356 of 2010. Subsequently, it was transferred to the file of the learned Subordinate Judge, Tiruchengode and re-numbered as O.S.No.116 of 2015. The defendants 1 to 3 filed their additional written statement to which a reply statement had not been filed. Therefore, the plaintiff filed I.A.No.926 of 2016 for filing of reply statement to the additional written statement. The said application came to be allowed on 05.07.2017. A condition was imposed that the cost of Rs.500/- be paid by the plaintiff to the defendants.

2.Ms.Adhisree, learned counsel for Mr.N.Manokaran, learned counsel appearing for the first respondent reports that the cost has also been paid.

3.I heard Mr.S.Senthil, learned counsel appearing for the petitioners and Ms.Adhisree, learned counsel for Mr.N.Manokaran, learned counsel appearing for the first respondent.

4.It is not in dispute that additional written statement was filed by the defendants after they had originally presented their written statement. New pleadings have been raised which the plaintiff wants to rebut by way of reply statement. Under Order 8 Rule 9 of the CPC, only a “leave” is



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required and leave has been granted, which is an exercise of discretion.

The leave so granted does not suffer from being capricious and arbitrary exercise, I feel no reason to interfere. This civil revision petition is dismissed. No costs.

28.07.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

The Subordinate Judge,
Tiruchengode.



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V. LAKSHMINARAYANAN,J.

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