



WEB COPY



C.R.P.No.97 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.97 of 2023
and
C.M.P.No.718 of 2023

S.Ravichandran

...

Petitioner

Vs

1.N.Muthuumanan

2. R.Kokulavani (deleted)

...

Respondent

(R-2 deleted and causetitle accepted vide Government Order dated 28.12.2022 made in CMP No.22919/2022 in CRP SV.147504 of 2022 by SSJ)

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal orders dated 08.12.2022 made in I.A.No.1375 of 2022 in O.S.No.371 of 2021 on the file of the Court of Principal District Judge, Tiruppur and allow this Civil Revision Petition and allow the Additional Written Statement to be taken on record.

1 / 6



C.R.P.No.97 of 2023

For Petitioners : Mr.N.Siva Kumar

For Respondents : Mr.S.Saravanakumar

ORDER

The civil revision petition is filed against the fair and decretal order dated 08.12.2022, passed in I.A. No.1375 of 2022, in O.S. No.371 of 2021. The revision petitioner is the first defendant in the suit instituted by the first respondent for recovery of money.

2. It is not in dispute that the examination of the plaintiff side witnesses was completed and the defendant cross-examined the plaintiff witnesses. After the commencement of the trial and completion of plaintiff-side examination of witness, the first defendant filed I.A. No.1375 of 2022 seeking permission to file an additional written statement in O.S. No.371 of 2021. The Trial Court considered the claim set out in the Interlocutory Application by the revision petitioner and dismissed the Interlocutory



C.R.P.No.97 of 2023

Application mainly on the ground that the revision petitioner has not raised any acceptable ground for the purpose of granting permission to file an additional written statement.

3. The Trial Court found that in the original written statement filed by the defendant, he had taken a plea that the cheques undertaking deeds were never executed by the defendant. In the written statement filed by the second defendant who has been impleaded, she has stated that she has not lead a happy life with the first defendant except for the initial few years from the date of their marriage. In fact, they are living separately.

4. While so, now the plea has been taken as if the defendants were residing in the house of the father-in-law and they were in home quarantine. During such period when the monetary transaction took place between the parties, and such a ground taken by the revision petitioner was not accepted by the Trial Court. Even during the quarantine period, the monetary transactions happened and therefore, this Court is of the considered opinion



C.R.P.No.97 of 2023

that the Trial Court has not considered any perversity in considering the grounds raised.

5. Regarding the additional written statement, if any sought to be filed, this Court considered that such additional written statement need not be received after the commencement of the trial and in the present case, plaintiff-side examination of witnesses was completed. The defendants cross-examined the plaintiff side witness, the Suit was instituted and the written statement was already filed based on the written statement, issues were framed and the trial commenced. The grounds raised for the additional written statement sought to be filed is not sound enough for the purpose of granting permission to the revision petitioner to file the additional written statement.

6. These being the facts and circumstances, this Court does not find any reason to interfere with the findings of the Trial Court for dismissing the Interlocutory Application and accordingly, the Order dated 08.12.2022,



C.R.P.No.97 of 2023

passed in I.A. No.1375 of 2022, in O.S. No.371 of 2021 stands confirmed.

Consequently, the civil revision petition stands **dismissed**. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

sha

11.01.2023

Speaking Order

Internet : Yes

Index: Yes



WEB COPY



C.R.P.No.97 of 2023

S.M.SUBRAMANIAM, J.

sha

Copy to:

Court of Principal District Judge, Tiruppur.

C.R.P.No.97 of 2023

11.01.2023

6 / 6