



C.R.P(MD)No.2269 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2023

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.2269 of 2017

N.Thayasowmni

...Petitioner/1st Respondent/
Plaintiff

Vs.

1.S.Ariramakrishnan

...1st Respondent/Petitioner/
1st Defendant

2.M.Navarethinamony

3.Sherma Sureka (Minor)

4.Anu Nerthika (Minor)

5.Arunsuhesh (Minor)

...Respondents 2 to 5/
Respondents 2 to 5/
Defendants 2 to 5

*(The respondents 3 to 5 are minor,
represented by their natural guardian
and next friend their mother namely
Rajathi @ Anna Vadivoo)*

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.116 of 2016 in O.S.No.76 of 2015 dated 23.09.2016 on the file of the Principal Sub Court, Nagercoil.



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For Petitioner : Mr.H.Arumugam

For R1 : Mr.K.P.Narayanakumar

ORDER

This civil revision petition has been filed against the positive order of the learned Principal Sub Judge, Nagercoil in allowing the application in I.A.No.116 of 2016 filed under Order 8 Rule 9 to accept an additional written statement.

2.The said application has been filed by the purchaser of the property from the second defendant, and in the additional written statement, it appears that the first defendant raised a counter claim.

3. The learned counsel for the petitioner vehemently submits that the suit is of the year 2015, the very application seeking leave of the Court to file additional written statement was filed at a belated stage, therefore, the same should be dismissed.

4. The learned counsel for the first respondent submits that the very application has been filed within the period of limitation. Therefore, the order passed by the learned Trial Judge is liable to be confirmed.



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5. The very application to receive additional written statement has arisen to these respondents/defendants only on filing the impleading petition by this petitioner. Though, this Court confirms the dismissal of amendment application, from the perusal of the fair order, the additional written statement has been filed when the suit is pending to frame issues. Further, the additional written statement is not contradicting with the earlier written statement. In such circumstances, this Court finds soundness in the arguments of the learned counsel for the first respondent. Therefore, the order passed in I.A.No.116 of 2016 filed under Order 8 Rule 9 of C.P.C. is liable to be confirmed.

6. In the result, this civil revision petition stands dismissed. No costs.

05.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The learned Principal Sub Judge,
Nagercoil.
2. The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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