



C.R.P.(MD)No.3042 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3042 of 2023

and

C.M.P.(MD)No.15656 of 2023

1. Amutha @ Amirtham

2. Alamelu Mangai

3. Jeyanthi

... Petitioners

Vs.

Valli @ Valliyammai

... Respondent

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 17.07.2023 passed in I.A.No.308 of 2023 in O.S.No. 31 of 2016 on the file of the learned Subordinate Judge, Pattukottai and allow this Civil Revision Petition with costs throughout.

For Petitioners : M/s.V.Janaki Devi



C.R.P.(MD)No.3042 of 2023

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ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.308 of 2023 in O.S.No.31 of 2016 dated 17.07.2023, on the file of the Subordinate Court, Pattukkottai, dismissing the application to receive the additional written statement.

2. The respondent/plaintiff has filed the suit in O.S.No.31 of 2016 claiming partition and allotment of 8/49 shares in the suit properties. The first defendant has filed his written statement by specifically alleging that the revision petitioners/defendants 4 to 6 had received Rs.75,000/- towards their shares in the suit properties and thereby relinquished their shares. The revision petitioners/defendants 4 to 6 have filed a memo on 04.01.2017 adopting the written statement filed by the first defendant and the same has been recorded by the Court. Subsequently, the second revision petitioner/fifth defendant has entered into witness box and deposed in tune with the written statement filed by the first defendant. When the case is pending for arguments, the above application came to be filed to receive the additional written statement, taking a plea which is contrary to the stand taken in the earlier written statement filed by the first



C.R.P.(MD)No.3042 of 2023

WEB COPY

defendant, which was adopted by the revision petitioners/defendants 4 to 6 and the evidence given by the second revision petitioner/fifth defendant.

The learned trial Judge, by specifically observing that the petitioners cannot take a new plea in the additional written statement contrary to their earlier written statement and that the petitioners by blaming their deceased brother 1st defendant, have filed the above application with a new plea contrary to their earlier written statement and that too after 6 years, cannot be entertained, dismissed the application.

3. Considering the entire facts and circumstances, this Court is in entire agreement with the finding recorded by the learned trial Judge. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

4. In the result, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

23.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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C.R.P.(MD)No.3042 of 2023

K.MURALI SHANKAR,J.

csn

To

1. The Subordinate Court,
Pattukkottai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.3042 of 2023
and
C.M.P.(MD)No.15656 of 2023

Dated : 23.11.2023