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C.R.P.Nos.561 and 483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE THIRU JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P.Nos.561 and 483 of 2024
and CMP No.2795 of 2024

CRP No.561 of 2024

D.James Peter

.... Petitioner

VS

1.Nitin V.Patel

2.Shankaralal B Patel

3.Ms.S.Kalyani

4.M/s Southern Television Pvt Ltd.,
Rep by its Director R.N.Damani,
Having Office at No.19(8),
Rajarathinam Street, Kilpauk,
Chennai-600 010.

.... Respondents

CRP No.483 of 2024

1.Nitin V.Patel

2.Shankaralal B Patel

3.Ms.S.Kalyani

4.M/s Southern Television Pvt Ltd.,



C.R.P.Nos.561 and 483 of 2024

Rep by its Director R.N.Damani,
Having Office at No.19(8),
Rajarathinam Street, Kilpauk,
Chennai-600 010.

... Petitioners

vs

D.James Peter

... Respondent

Prayer in CRP No.561 of 2024:

Civil Revision Petition filed Article 227 of the Constitution of India against the fair and decreetal order dated 31.07.2023 passed in I.A.No.52 of 2022 in O.S.No.145 of 2017 by the Principal Sub Judge, Ponneri.

Prayer in CRP No.483 of 2024

Civil Revision Petition filed Article 227 of the Constitution of India directing the Subordinate Judge, Ponneri to dispose the Original Suit in O.S.No.145 of 2017 within the time frame.

For Petitioner in
CRP No.561 of 2024 : Mr.Vignesh
& For respondent in
CRP No.483 of 2024 For Mr.E.Prabu

For Respondents in : Mr.V.Ramesh
CRP No.561 of 2024 : Senior Advocate
& For Petitioners in for Mr.J.D.Srikanth Varma
CRP No.483 of 2024

COMMON ORDER



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Since both the civil revision petitions arise in respect of the very same suit, both the civil revision petitions are taken up together and disposed of by consent of both the parties.

2. The petitioner/plaintiff in CRP 561 of 2024 filed a suit in OS No.145 of 2017 for a declaration. The respondents/defendants have filed an application in I.A.No.52/22 under Order VIII Rule 9 r/w 151 of Civil Procedure Code , seeking to file an additional written statement, in addition to the written statement filed by the defendants 1 to 4 on 04.11.2020, to place on record the subsequent proceedings taken place between the parties on the same suit.

3. The petitioner/plaintiff objected to the same. However, the trial Court, by impugned order dated 31.07.2023 had allowed the application. Challenging the same, CRP No.561 of 2024 has been filed.

4. Learned counsel for the petitioner/plaintiff would submit that in the event of this Court accepting the order passed by the trial court, leave may be



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granted to the petitioner/plaintiff to file a reply statement to the additional written statement and based on that, the trial court may be directed to frame additional issues, if any, and decide the case on merits thereafter.

5. Learned counsel for the respondents have agreed for the same and he would submit that the prayer in CRP No.483 of 2024 is to direct the trial Judge to complete the trial in an expeditious manner within a specified period.

6. Heard both sides and perused the materials available on record.

7. I do not find any infirmity or irregularity in the order passed by the trial Judge, granting leave to file additional written statement. However, when the trial Court permits filing of additional written statement, opportunity should also be given to the plaintiff to file reply statement to the same.

8. In view of the above, additional written statement shall be filed within a period of one week from the date of receipt of a copy of this order and the reply statement, if any, shall be filed within two weeks thereafter and the trial Court shall frame additional issues, if any, and take every endeavour to complete the



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trial as expeditiously as possible, preferably within a period of nine months from the date of receipt of a copy of this order.

9. With the above direction, both the Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

sr

Index:yes/no
website:yes/no

To

The Principal Sub Judge, Ponneri



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A.D.JAGADISH CHANDIRA,J.,

sr

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