



C.R.P.No.809 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

C.R.P.No.809 of 2022

Unnamalai ... Petitioner/2nd defendant
Vs.

1.R.Duraisamy ...1st Respondent/1st plaintiff

2.R.Mohanraj ...2nd Respondent/1st defendant

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 15.12.2021 made in I.A.No.2 of 2021 in O.S.No.182 of 2018 on the file of I Additional District Munsif Court, Salem.

For Petitioner : Mr.J.D.Srikanthivarma

For Respondents : Mr.S.Kalyanaraman for R1

R2- No appearance

ORDER

This Civil Revision Petition has been filed praying to set aside the fair and decreetal order dated 15.12.2021 passed in I.A.No.2 of 2021 in O.S.No.182 of 2018 on the file of I Additional District Munsif Court, Salem.



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WEB COPY 2. The petitioner is the 2nd defendant and the 1st respondent is the plaintiff in the suit in O.S.No.182 of 2018. The revision petitioner/2nd defendant filed I.A.No.2 of 2021 seeking permission of the court to file Additional Written Statement in the above suit. But the said IA was dismissed by the trial court, hence, this civil revision petition.

3. The learned counsel for the revision petitioner would submit that since the revision petitioner/2nd defendant is in possession of the suit schedule property from the year 1995 and had entered into a agreement with the predecessor in title of the vendor for sale of property who had received entire consideration of sale from the 2nd defendant, but due to prolonged ailments, he was not in a position to contact her counsel for filing additional written statement in the main suit, delay occurred in filing the additional written statement. Thereafter, the 2nd defendant filed I.A.2 of 2021 seeking permission to file additional written statement. However, the learned Judge, trial court, dismissed the said IA on a finding that the petition is filed only to drag on the suit proceedings. The learned counsel further submits that the 2nd defendant has no intention to coerce or to drag on the suit proceedings and thus sought to set



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aside the impugned order.

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4. The learned counsel for the 1st respondent/plaintiff would submit that the IA has been filed to drag on the proceedings and the suit is pending at the stage of cross examination of the plaintiff side evidence, hence, the dismissal order passed by the learned Judge, trial court does not require any interference by this court.

5. Heard both sides and perused the records carefully.

6. I.A.No.2 of 2021 filed in O.S.No.182 of 2018 is for seeking permission to file additional written statement by the 2nd respondent. The said petition was dismissed by the learned Judge, trial court on a finding that there were no new averments added in the additional written statement and the said additional written statement is sought to be filed after a long delay and that the averments in the additional written statement has already been stated in the written statement filed by the 2nd defendant. It was also pointed out by the learned Judge, trial court that the said IA has been filed only to drag on the proceedings and since the cross examination of PW1 is pending, the IA needs



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to be dismissed and accordingly dismissed the IA with cost.

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J. NISHA BANU, J.

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7. The well reasoned order passed by the learned Judge, trial court, in dismissing the IA, warrants no interference by this court. Accordingly, this civil revision petition is dismissed. No costs.

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Index :Yes/No

Internet:Yes/No

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To

1. The I Additional District Munsif, Salem.

2.The Record Keeper, VR.Section, High Court, Madras

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