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C.R.P.No.1226 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1226 of 2024 and
C.M.P.No.6473 of 2024

M.Shekar

... Petitioner

Versus

K.J.Vijay

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decree dated 16.08.2023 in I.A.No.4/2021 in O.S.No.39/2020 passed by the learned Principal District Judge, Kancheepuram District at Chengalpet.

For Petitioner : Mr.R.Prasadh
For Respondent : Ms.Vasudha Thiagarajan

ORDER

Challenging the impugned order, dated 16.08.2023 in I.A.No.4 of 2021 in O.S.No.39 of 2020 passed by the learned Principal District Judge, Chengalpet permitting the respondent/plaintiff to file additional reply statement, the petitioner/defendant preferred this civil revision petition.



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2.The contention of the petitioner is that by way of filing additional reply statement, the respondent brought new facts and also laid disparity remarks against the petitioner. Further, the additional reply statement is not all required and it would cause prejudice and divert the case. Hence, he prays for setting aside the impugned order.

3.The learned counsel for the respondent submitted that the respondent filed suit for specific performance in O.S.No.39 of 2020 against the petitioner. The petitioner agreed to sell the property to the respondent for a sum of Rs.35,00,000/- and a registered sale agreement was entered into between them *vide* document No.364 of 2019, dated 21.01.2019. As per sale agreement, the sale to be completed within a period of six months. Initially, the respondent paid substantial amount of Rs.20,50,000/- to the petitioner, thereafter the petitioner vacated the premises and was ready to execute sale deed. Due to upswing in the market, the petitioner changed his mind and failed to execute sale deed, hence, the suit for specific performance filed by the respondent.

4.The respondent filed the suit on 27.01.2020, the petitioner filed



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written written on 22.12.2020 wherein the petitioner propounded a new theory and made allegations as though on the instructions of the petitioner, amount received by him was handed over to one Sham. Who is that Sham, no particulars and no details given. Further, the petitioner made false allegations as though he was threatened and by force, sale agreement executed by him which facts not whispered or denied at the time of notice. Now for this reason only, additional reply statement is necessary, hence, the same has been filed. She further submitted that the respondent filed suit for specific performance in which it has to be proved by the respondent that the contention of the petitioner are far away and he has come up with clean hands. Hence, she prays for dismissal of the petition.

5.Considering the submissions and on perusal of the materials, it is seen that the respondent's additional reply statement is no way brought new facts but it has been necessitated due to the petitioner's written statement, which has to be met, denied or given reasons.

6.In view of the above, the impugned order, dated 16.08.2023 in I.A.No.4 of 2021 in O.S.No.39 of 2020 passed by the learned Principal



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District Judge, Kancheepuram District at Chengalpet is confirmed and the civil revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

25.04.2024

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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To

The Principal District Judge,
Kancheepuram District at Chengalpet.

Note: Issue Order Copy on 07.05.2024.



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M.NIRMAL KUMAR, J.

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