



CRP No.3584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP No.3584 of 2024 &
CMP.No.19432 of 2024

1.P.Bagiyam
2.P.Ramraj
3.P.Mahesh Kumar : Petitioners

versus

Valliammal (died)
1.Velusamy
2.Uma Mageswari
3.Sivagami : Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the fair and Decreetal order dated 05.06.2024 in I.A.No.4 of 2023 in O.S.No.157 of 2016 on the file of the District Munsif Judge at Palladam.

For Petitioner : Mr.K.Myilsamy

ORDER

This civil revision petition arises against the order of the learned District Munsif, Palladam in I.A.No.4 of 2023 in O.S.No.157 of 2016.



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2. O.S.No.157 of 2016 seeks a declaration that the plaintiff is the owner of the property and for consequential relief of injunction restraining the defendants from interfering with the plaintiff's possession and enjoyment of the property. It also seeks a declaration that the gift deed, that had been executed by one Lakshmi in favour of the first defendant, is not binding upon the plaintiff. It further seeks for a cancellation of the partition deed dated 08.05.2008 that had been entered into between the first defendant and the plaintiff and for costs of the suit.

3. The facts leading to the dispute are that the property admittedly belonged to the mother of the plaintiff, one Ramakkal. She had executed a “Will” in favour of her two daughters namely Valliammal and Deivanaiammal. Deivanaiammal married one Rajamuthu Gounder. Rajamuthu Gounder had already married a lady by name Karuppathal. From the wedlock between Rajamuthu Gounder and Karuppathal, a child by name Lakshmi was born.

4. From the wedlock between Deivanaiammal and Rajamuthu



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Gounder, one Marappan was begotten. Marappan died. Claiming that Lakshmi is the sister of Marappan, the said Lakshmi created certain documents in favour of the first defendant. Valliammal claiming to be the only surviving legal heir of Ramakkal and her husband, presented the suit for the aforesaid reliefs.

5. On service of summons, the defendants filed a detailed written statement denying the right of Valliammal. Pending the suit, Valliammal passed away and her son, Velusamy, was brought on record.

6. When the matter was listed for evidence on the side of the plaintiff, the defendants took out with an application to file an additional written statement. The said application came to be dismissed. Hence the revision.

7. I have heard Mr.K.Myilsamy for the civil revision petitioner.

8. Mr.K.Myilsamy would plead that the purpose of filing an additional written statement is to have a plea, for the purpose of introducing the



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documents, listed along with the additional written statement. They are the death certificate of Deivanaiammal, Marappan, Karuppathal and the sale deeds which had been executed by Lakshmi and Marappan in favour of third parties and a copy of the judgment and decree in O.S.No.39 of 2016 and O.S.No.46 of 2016 initiated by Valliammal as against the third parties to the suit.

9. I feel that the additional written statement is absolutely unnecessary for the facts of the present case. This is for a simple reason that, there is no dispute that Ramakkal, Deivanaiammal and Marappan are all dead. In case a declaration had been obtained by Valliammal behind the back of Lakshmi, it is always open to the defendants to argue that the said decree is not binding on them.

10. When a detailed written statement had been filed, replication of the very same written statement is absolutely unnecessary. It only tends to prolong the litigation.



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11. In the light of the above discussion, I do not find any merit in this revision. Accordingly, **this civil revision petition is dismissed.** No costs. Consequently, the connected miscellaneous petition is closed. The learned District Munsif Judge at Palladam is directed to dispose of O.S.No.157 of 2016 within a period of six months from the date of receipt of a copy of this Order.

04.09.2024

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Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No

To

1.The District Munsif Judge at Palladam.



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V. LAKSHMINARAYANAN, J.

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