



CRP No.5008 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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S.Murugan

... Petitioner

Vs.

A.Rani

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order in IA No.4 of 2023 in OS No.50 of 2022 dated 08.11.2023 on the file of the Principal District Judge, Villupuram.

For Petitioner

: Mr.V.Saranraj

ORDER



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The civil revision petition is filed to set aside the order in IA No.4 of 2023 in OS No.50 of 2022 dated 08.11.2023 on the file of the Principal District Judge, Villupuram.

2. The petitioner is the defendant and the respondent is the plaintiff in OS No.50 of 2022 on the file of the learned Principal District Judge, Villupuram. The respondent/plaintiff has filed the suit for recovery of money based on a promissory note executed on 05.12.2019 for a sum of Rs.15,00,000/- In the suit the petitioner/defendant had filed a written statement and stated that it is a concocted promissory note. After the PW1 was examined and documents have been marked, the petitioner/defendant filed a copy application on 08.12.2022 for certified copies of promissory note, EX.A1 dated 05.12.2019 and found that the signature was false in the promissory note. Hence, the petitioner/defendant has filed an application in IA No.4 of 2023 for filing additional written statement. The said application was dismissed by the trial court on 08.11.2023, on the ground that the petitioner/defendant had already raised his defense in the written statement



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filed earlier by him. Challenging the said order, the petitioner has filed the present civil revision petition.

3. Learned counsel for the petitioner submits that the petitioner has filed the said application to receive additional written statement, wherein he has specifically denied the signature in the disputed promissory note. Therefore, the said application has to be received otherwise it would cause great prejudice to the petitioner. Therefore, the impugned order of the trial court is liable to be set aside.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The facts reveal that the learned judge pointed out that the petitioner/defendant had earlier filed a written statement, in paragraph 5 of of the said written statement, the petitioner has specifically denied the truthfulness of the promissory note and stated that the promissory note is a



concocted and fabricated one.

6. I have gone through the earlier written statement filed by the petitioner/defendant. It is noticed that petitioner/defendant has filed the written statement on 21.06.2022, wherein in paragraph 5, he has specifically denied that promissory note and stated that it is a concocted and fabricated one. Under these circumstances, filing an additional written statement raising the same defense is not permissible one and it is only to protract the case when the examination of PW1 was already completed and documents have been marked. Further, the case was posted for cross examination of the plaintiff. Therefore, the Trial Court has rightly dismissed the application to receive additional written statement. There is no infirmity in the impugned order. There is no reason to interfere with the order passed by the trial court ,as there is no merit in the revision.

7. In fine, the civil revision petition is dismissed. There will be no order as to costs. CMP No.29223 of 2023 is closed.



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