



CRP No.519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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and

C.M.P.No.2427 of 2024

T.S.Usharani

... Petitioner

Vs.

1.K.Lakshmi

2.E.Arumugam

3.E.Ganesh

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.1 of 2023 in O.S.No.276 of 2018 dated 02.09.2023 on the file of the Additional District Court, Poonamallee.

For Petitioner

: Mr.G.M.Gokulram

ORDER

This Civil Revision Petition is filed to set aside the order passed in I.A.No.1 of 2023 in O.S.No.276 of 2018 dated 02.09.2023 on the file of the Additional District Court, Poonamallee.



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2. The revision petitioner is the defendant in the suit in O.S.No.276 of 2018 on the file of the Additional District Court, Poonamallee. The respondent filed suit against the petitioner with the prayer for permanent injunction with regard to the suit schedule property. The defendant filed written statement denied the title of the property and after framing of issues, plaintiff was examined and proceeded for cross examination. At this stage, this petitioner filed the application in I.A.No.1 of 2023 to receive the additional written statement, which was dismissed by passing interim order on the ground that for filing additional written statement. The plaint document was not supplied to the petitioner. After gone through the evidence, he came to know about that the plaint allegations. He filed an application to receive the additional written statement. The trial Court dismissed the application on the ground that the petitioner before filing the written statement should go through the written statement and the plaint document. Hence it is challenged.



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3. The learned counsel further contended that the patta granted in favour of the plaintiff was cancelled and it has been granted in favour of the petitioner. So this has to be pleaded by filing additional statement.

4. On a perusal of the materials and records, it is noticed that the petitioner is the defendant and the respondent is the plaintiff in O.S.No.276 of 2018 on the file of the Additional District Munsif Court, Poonamallee. The respondents/plaintiffs filed a suit against the petitioner for permanent injunction with regard to plaint schedule property. Admittedly, the written statement has been filed by the petitioner and issues were framed. The plaintiff has been examined and posted for cross examination. At this stage, the petitioner filed this petition to receive additional written statement.

5. In the affidavit of the petitioner, in paragraph 5, the petitioner has stated that the plaint documents are not given to the petitioner. Therefore, he is not able to know about the documents. Now he wants to file additional written statement, referring additional plaint and documents. But the trial



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Court dismissed the petition on the ground that it is the duty of the petitioner to file his written statement. Before filing the written statement, the petitioner gone through the plaint and document. Further after framing of issue, the petitioner will not have any right to have additional written statement. Therefore, the trial Court has rightly dismissed. Therefore, I find no infirmity or illegality in the order and no merit in the revision petition.

6. Hence, this Civil Revision Petition is dismissed. Consequently, the connected Civil Miscellaneous Petition is also dismissed. No costs.

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Index: Yes/No
Internet: Yes/No
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To

The Additional District Court, Poonamallee.



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V.SIVAGNANAM, J.

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