



C.R.P(MD)No.63 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

**C.R.P(MD)No.63 of 2022
and
C.M.P(MD).No.309 of 2024**

P.Ramesh

... Petitioner

Vs.

1.Renuka

2.Maheswari

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 01.10.2021 passed by the learned IV Additional District Judge, Madurai, in I.A.No.118 of 2021 in O.S.No.87 of 2018.

For Petitioner

: Ms.R.Rajalakshmi

For Respondents

: No appearance

ORDER

Even though notice is served on the respondents/ plaintiffs, they have chosen not to appear before this Court.



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2. Heard Ms.R.Rajalakshmi, learned counsel appearing on behalf of the petitioner.

3. The learned counsel for the petitioner would submit that when P.W.1 was in the box and was cross-examined by the defendants, immediately thereafter, so as to overcome the *lacuna* and to undo the answers, which are given in the cross-examination, the present application is filed to receive the reply statement, which is allowed by the trial Court. The trial Court passed an order in the Interlocutory Application without even the plaintiffs filing the reply statement. Without even looking into the contents of the reply statement, whether it is reply to the plaintiffs' written statement or whether any new and diametrically opposite plea is taken in the reply statement, now, in a open ended manner, the Interlocutory Application is allowed. Therefore, she would pray that the civil revision petition is to be allowed.

4. I have considered the said submission made by the learned counsel appearing for the petitioner and perused the materials record of the case.

5. Even in the records filed along with the civil revision petition, the copy of the reply statement is not found. The learned counsel for the petitioner



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positively asserts that no such reply statement was filed even along with I.A.No. 118 of 2021. In that view of the matter, I agree with the learned counsel for the petitioner that without even looking into the proposed reply statement and without even the proposed reply statement being filed, when the trial have commenced and cross-examination of P.W.1 is over, by the present order, the trial Court cannot permit the plaintiffs to file a reply statement. By virtue of the order, now the plaintiffs can file the statement, which may contain even new pleas, the pleas which are inconsistent with his original plaint, pleas which are not relatable of refuting the averments in the written statement also.

6. In that view of the matter, the impugned order made in I.A.No.118 of 2021, dated 01.10.2021 is set aside and consequently, I.A.No.118 of 2021 in O.S.No.87 of 2018 stands dismissed and the trial Court shall proceed with the suit and dispose of the same as expeditiously as possible.

No costs. Consequently, connected Miscellaneous Petition is closed.

23.07.2024

NCC:Yes/No
Index:Yes/No
Rmk



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

To
The IV Additional District Judge, Madurai,

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and
C.M.P(MD).No.309 of 2024**

23.07.2024