



CRP(MD).No.1074 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.1074 of 2022
and
C.M.P(MD).No.4333 of 2022**

Ramasaamynaidu (died)

1.Thavamani

2.Chandira

3.Gopal

4.Sudanthiram

5.Saraswathi

... Petitioners

-Vs-

Jaiprakash

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 23.03.2022 passed in I.A.No.06 of 2022 in O.S.No.113 of 2015 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.A.V.Arjun

For Respondents : No appearance



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ORDER

The civil revision petition is filed to set aside the order dated 23.03.2022 passed in I.A.No.06 of 2022 in O.S.No.113 of 2015 on the file of the District Munsif Court, Theni.

2. In the said interlocutory application, the respondent herein had prayed to receive the additional written statement with the delay of one year. The same is allowed by the trial Court. Aggrieved by which, the civil revision petition is filed.

3. The learned counsel appearing on behalf of the petitioners would submit that even amended plaint was filed long back and the additional written statement ought to have been filed within a period of 30 days from the date of filing of the amended plaint and therefore, the trial Court ought not to have entertained the application as well the written statement.

4. When the additional written statement is necessitated on account of the amendment of the plaint and when the same is filed even before the commencement of trial and when the trial Court has thought it fit to



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condone the delay of one year and exercised its discretionary in favour of the respondent, this Court does not find any reason to interfere with the said findings and discretion exercised by the trial Court.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

04.07.2024

NCC : Yes/No

Index : Yes / No

Rmk

To

1.The District Munsif Court, Theni.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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