



WEB COPY

C.RP(MD)No1562 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.07.2024

CORAM

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

C.R.P(MD)No.1562 of 2024

and

C.M.P(MD)No.9216 of 2024

1.Sayithabanu
2.Jashirsuhile
3.Sayishasafrin
4.Minor Ajees Ibrahim
(4th petitioner rep by his mother
and natural guardian of 1st petitioner)
5.Mohamed Afsal
6.Mahamed Vise
7.Beevimariyam
8.Raja Mohamed

... Petitioners/Petitioners/
Plaintiffs

Vs.

Mohammed Junitheen

...Respondent/Respondent
/Defendant

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.2 of 2024 in O.S.No.256 of 2021 on the file of the Subordinate Judge, Ramanathapuram dated 30.04.2024.



For Petitioners

:Mr.J.M.Hassanul Bazari

ORDER

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The civil revision petition is directed against the order dated 30.04.2024 in I.A.No.2 of 2024 in O.S.No.256 of 2021 on the file of the Subordinate Judge, Ramanathapuram.

2.When the suit was posted for arguments, the plaintiffs had filed the above application to file a reply statement. It is the case of the plaintiffs that when the plaintiffs had claimed that they are the legal heirs of one Subaitha Beevi and that she died intestate and the plaintiffs have inherited their share in the suit schedule property.

3.It is the claim of the defendant in the written statement that the said Subaitha Beevi during her life time had executed a release deed in favour of the defendant and he got title. In the said pleadings, issues were framed, parties gave gone into trial and the trial is now over and the matter is posted for argument.

4.Now, the proposed reply statement contains 3 paragraphs. The averments made in paragraph one is nothing but a general denial. The averments made in paragraph two of the reply statements are already there



in the plaint. As far as paragraph No.3 is concerned, now the plaintiff wants to specifically deny the execution of the release deed. As a matter of fact, the trial Court has observed that the plaintiff had already denied the same in the cross examination and that whatever the stand which can be taken based on the evidence and at the argument stage, the reply statement need not be permitted.

5.The learned counsel for the petitioners would submit that the plaintiffs would be put to grave prejudice and it is not inconsistent stand which is now sought to be taken in the reply statement and therefore, even if it is belatedly taken, the trial Court ought to have permitted the same.

6.I have considered the said submissions made by the learned counsel for the petitioner.

7.As already stated above, the case of the parties hinges on the documentary evidence and the validity of such document. Therefore, the reply statement is being a formal in nature and the trial Court already observed in the order assailed in the civil revision petition itself that it will be open for the petitioners/plaintiffs to deny the execution of these documents by leading evidence and the both sides evidence are over, at this stage, new pleadings cannot be introduced.



8. Therefore, I am of the view that the order of the trial Court does not call for any interference, accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

NCC: Yes/No
Ns

To

The Subordinate Judge,
Ramanathapuram.



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D.BHARATHA CHAKRAVARTHY, J.

Ns

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