



C.R.P.(MD)No.1897 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.R.P.(MD)No.1897 of 2024  
and  
C.M.P.(MD)No.10735 of 2024

T.Anandaraj

... Revision / Petitioner /  
Petitioner / 2<sup>nd</sup> Defendant

Vs.

1.Arputharaj

2.Ebanazar

... 1<sup>st</sup> & 2<sup>nd</sup> Respondents /  
1<sup>st</sup> & 2<sup>nd</sup> Respondents /Plaintiffs

3.Ramesh

4.Vignesh Ram

5.Pachaikannu

... 3 to 5 Respondents / 3 to 5 Respondents/  
1<sup>st</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Defendants

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, against the decree and Judgment dated 28.03.2024 made in I.A.No.3 of 2023 in O.S.No.52 of 2021 passed by the learned Subordinate Court, Mudhukulathur.

For Petitioner : Mr.R.Murugan



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## **ORDER**

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The second defendant in O.S.No.52 of 2021 on the file of the Sub Court, Mudhukulathur is the revision petitioner herein.

2. The plaintiffs are the sons of the revision petitioner. The suit was filed for the relief of declaration and permanent injunction. The revision petitioner had executed the sale deed dated 19.03.2001 in favour of the first defendant Ramesh conveying the suit property. There was subsequent transaction also in respect of the suit property. In the suit, declaration has been sought for nullifying all the sale deeds pertaining to the suit items. A common written statement was filed by all the defendants and the revision petitioner's signature is also found therein. While so, this defendant filed I.A.No.3 of 2023 seeking leave to file an additional written statement. In the additional written statement, the revision petitioner wanted to completely disown the stand taken by him in the written statement. He now wants to sail with the plaintiffs and act against the co-defendants. The court below dismissed IA vide order dated 28.03.2024. Challenging the same, this revision petition has been filed.

3. The learned counsel appearing for the petitioner commenced his arguments by stating that the petitioner is an illiterate and that the signature



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attributed to him in the written statement is a piece of forgery. I called upon the learned counsel appearing for the petitioner to draw my attention to the relevant portion of the affidavit filed in support of I.A.No.3 of 2023 wherein such a stand has been taken. The learned counsel appearing for the petitioner after going through the contents of the affidavit stated that such a stand was not taken before the court below. The written statement was filed on 24.02.2022. I.A.No.3 of 2003 was filed only in November 2023. Of-course, a litigant is entitled to file subsequent pleadings with the leave of the Court. A defendant can even set up alternative pleas. But the stand in the additional written statement cannot be completely destructive of the stand earlier taken. The court below has pointed out that the issues have already been framed and the case is now posted for trial. The court below has also deprecated the conduct of the petitioner herein in blaming his earlier counsel. Since in the affidavit filed in support of I.A.No.3 of 2023, it has not been alleged that signature attributed to him in the original written statement is forged, I am not inclined to interfere. A party to the litigation cannot be allowed to play with the process of the Court. He must take a clear and categorical stand at the very outset. The court below is justified in coming to the conclusion that if the prayer in IA is permitted, it will encourage the litigants to play with the process of the Court. The impugned order does not warrant interference.



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**G.R.SWAMINATHAN, J.**

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4. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**19.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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**To:**

The Subordinate Court, Mudhukulathur.

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