



C.R.P.(MD)No.2048 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2048 of 2024

and

C.M.P.(MD)No.11638 of 2024

Saraswathi

... Petitioner / Petitioner / 2nd Defendant

Vs.

1.Kesavan

2.Manivannan

3.Suriyagandhi

4.Tharani

5.Gokul Sree

6.Seethalakshmi

... Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 31-01-2024 made in I.A.No.1 of 2023 in O.S.No.569 of 2022 on the file of the District Munsif Court, Thottiyam, Trichy District and allow this civil revision petition.

For Petitioner : Mr.G.Sridharan

For Respondents : Mr.R.Murali for R1.
No appearance for R2 to R6

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ORDER

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Heard the learned counsel for the revision petitioner and the learned counsel for the first respondent.

2.The second defendant in O.S.No.569 of 2022 on the file of the District Munsif Court, Thottiyam is the revision petitioner herein. The plaintiffs filed the said suit in the year 2009 (O.S.No.296 of 2009 on the file of the District Munsif Court, Musiri for permanent injunction). Subsequently the suit was transferred to the file of the District Munsif Court, Thottiyam and renumbered. The plaintiffs filed amendment petition under Order VI Rule 17 of Civil Procedure Code. The reliefs of declaration and mandatory injunction were also included.

3.Once the plaint was amended, the defendants were entitled to file additional written statement. This opportunity was not availed of by the second defendant. It is true that there was delay on the part of the second defendant. I went through the contents of additional written statement. It is in line with the original written statement earlier made. It is not as if the defendants want to wriggle out of some admission earlier made.



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4.In such matters, the Courts have to be liberal. When once the plaintiff had amended the plaint, the defendant is entitled to file additional written statement.

5.Since the suit is of the year 2009, the Court below is directed to dispose of O.S.No.569 of 2022 on merits and in accordance with law within a period of six months from the next hearing. I make it clear that there is no need to recast the issues originally framed.

6.The impugned order is set aside and the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

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

The District Munsif Court,
Thottiyam, Trichy District.



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G.R.SWAMINATHAN, J.

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