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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.No.554 of 2024

and

C.M.P.No.2765 of 2024

T.K.Suresh

...Petitioner

/versus/

S.Sathyakala @ Revathy

...Respondent

Prayer: Civil Revision Petition is filed under Section 227 of the Constitution of India, praying to set aside the Fair and Decretal order dated 20.10.2023 passed in I.A.No.03 of 2023 in O.S.No.335/2022, on the file of III Additional Principal Family Court at Chennai and consequently to allow I.A.No.03 of 2023 in O.S.No.335/2022.

For Petitioner

: Mr.D.Senthil Kumar

For Respondent

:Mr.R.Prasadh for M/s.R.Prabhavathy

ORDER

This Civil Revision Petition has been filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking leave of the Court to file a reply statement to the written statement filed by the respondent.

2. The petitioner herein has filed a suit seeking a declaration of title and a decree of permanent injunction.



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3. The case of the petitioner is that he purchased various properties, as mentioned in paragraph 6 of the plaint, including the suit property in the name of the defendant by utilizing his own earnings.

4. It is further stated that the relationship between the petitioner and the respondent became strained and the respondent thereafter alienated the property, which necessitated the filing of the suit for declaration and permanent injunction.

5. The suit was resisted by the respondent by filing a written statement. In the written statement, the defendant made averments that her father had paid a sum of Rs.2 lakhs out of his retirement benefits for the purchase of the house property. In order to rebut the statement made by the respondent, the petitioner filed an application seeking leave of the Court on the ground that a reply statement was necessary to address various allegations made by the defendant in the written statement.

6. It is a well settled principal of law that the plaintiff is not bound to file a reply statement to deny any allegations in the written statement. Any allegations made by the defendant has to be proved by the defendant with cogent evidence. A reply statement is permissible only when a new case is set up in the written statement, which requires clarification by the plaintiff.



7. In the case in hand, the plaintiff simply wants to deny the various allegations made by the respondent in the written statement. The trial Court has rightly appreciated the legal position and dismissed the application. This Court finds no error in the findings of the trial Court.

8. Accordingly, this Civil Revision Petition stands dismissed. Consequently, the connected Civil Miscellaneous Petition is closed.

02.12.2025

Index : Yes/No
Internet : Yes/No
rpl

To

The III Additional Principal Family Court, Chennai



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S.SOUNTHAR,J.

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