



CRP.No.757 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

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1. Aarthi
2. Jesintha

... Petitioners

Vs

M. Rajendran (deceased)

1. M. Gajendran
2. R. Manivannan
3. R. Shanthi
4. R. Manimaran
5. M. Mala

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the decretal order dated 21.01.2025 passed in I.A.No.11 of 2024 in O.S.No.1946 of 2017 by the XII Assistant City Civil Judge at Chennai.

For Petitioner(s): Dalit Tiger C.Ponnusamy



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ORDER

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Challenging the dismissal of their application in I.A.No.11 of 2024 in O.S.No.1946 of 2017, filed by the petitioners for receiving additional written statement in O.S.No.1946 of 2017, the present Civil Revision Petition is preferred.

2. The respondents herein had filed O.S.No.1946 of 2017 on the file of the XII Asst. City Civil Judge, Chennai seeking a mandatory injunction directing the defendants to vacate and hand over vacant possession of the schedule mentioned property and to direct the defendants/ petitioners herein to pay for damages for use and occupation, apart from seeking a permanent injunction restraining the petitioners herein from creating encumbrance.

3. The property in question is an extent of 146 sq.ft., situate at Door No.26, St. Mary's Road, Padavattam Street, Abhiramapuram, Chennai-600 018. The revision petitioners, on entering appearance, have filed their written statement on 09.11.2017. When the suit was at the stage of arguments, the petitioners/defendants have come forward with three



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interlocutory applications in I.A.No.9 of 2024 for reopening the evidence of DW1, I.A.No.10 of 2024 for further cross examination of DW1, I.A.No.11 of 2024 for receiving additional written statement. The learned Judge had allowed I.A.Nos.9 and 10 of 2024 and dismissed I.A.No.11 of 2024. Aggrieved by which, the petitioners are before this Court.

4. The learned XI Assistant Judge, City Civil Court, Chennai had rejected the petitioners' request for filing additional written statement on the ground that an elaborate written statement had been filed as early as in 2017 itself and in the guise of an additional written statement, the very same pleadings are sought to be filed in the form of an additional written statement covering the documents that have been marked in trial and also the non filing of counter claim in other suit O.S.No.2801 of 2001. The learned Judge had observed that the pleadings in the original written statement and the proposed written statement are more or less the same and there is no necessity for an additional document. Perusal of the affidavit, which is filed in support of the said petition would also substantiate the above finding, in as much as, in the affidavit, the petitioner would simply state some facts had been omitted to be mentioned on account of the petitioner's mother's ill health and therefore, the additional written statement



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had to be filed.

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5. The affidavit is totally bereft of any reasons which would enable this court to appreciate the reasons for taking out such an application at the stage of arguments. Order VIII, Rule 9 of CPC clearly provides that no pleadings subsequent to the written statement can be taken on file except by way of defence to a set off or counter claim. Such pleadings can be presented only with the leave of the court. In the instant case, the proceedings are at the stage of arguments and no reasons whatsoever has been given in the application seeking leave to file additional written statement at this later stage. That apart, the additional written statement does not give rise to any new defence and the trial court has rightly dismissed the said petition and I see no reason to disagree with the said finding. Consequently, the Civil Revision Petition is dismissed. No costs. The connected C.M.P.No.4309 of 2025 is closed.

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Index:yes/no

Internet:yes/no

msr

To

The XII Assistant City Civil Judge at Chennai.

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P.T. ASHA, J.

msr

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