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CRP.No.1017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

**THE HONOURABLE MR. JUSTICE P.B. BALAJI**

CRP.No.1017 of 2024  
and  
C.M.P.No.5271 of 2024

Dakshinamurthy

...Petitioner

Vs.

K.B.Raju

...Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, against the order and decree made in I.A.No.1 of 2023 in O.S.No.489 of 2018 on the file of the Principal Subordinate Judge, Vellore, Vellore District dated 12.01.2024.

For Petitioner : Mr.K.A.Ravindran

For Respondent : Mr.Y.Jyothish Chandar

**ORDER**

This civil revision petition has been filed seeking to set aside the order passed by Principal Subordinate Court, Vellore, Vellore District, dated 12.01.2024 in I.A.No.1 of 2023 in O.S.No.489 of 2018.



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2. Heard Mr.Ravindran and Mr.Y.Jyothish Chandar, the counsel for the revision petitioner and the respondent.

3. In a suit for recovery of money, the defendant has taken out an application, after the commencement of trial, seeking permission of the Court to file an additional written statement. The said application has been dismissed on the ground that it has been filed belatedly, as against which, the present revision has been filed.

4. Mr.K.A.Ravindran, the learned counsel for the petitioner submits that the defendant by oversight has omitted to refer to two payments that were made by way of cheque transactions and in respect of one of the cheques, reference is made even in the original written statement. However, insofar as the sum of Rs.50,000/- paid by way of cheque dated 05.08.2017, the defendant seeks to file an additional written statement to bring to light the said payment. However, the said application has been dismissed accepting the objections of the respondent plaintiff that P.W.1 has already been cross examined and at this stage, new plea cannot be introduced with regard to payment having been made.



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5. Admittedly, the suit is filed in the year 2018 and the payment which is referred to is prior to the institution of suit which is on 05.08.2017. Considering the fact that the suit is still before the trial Court, the parties should be given an opportunity to put forth all their contentions. No serious prejudice would be caused to the plaintiff, if the additional written statement is taken on file. Hence, the plaintiff will have an option to meet the new averments raised in the revision by filing an additional proof affidavit even though P.W.1 has already been examined in chief and cross.

6. In the light of the above, considering the fact that the defendant wants to introduce additional statement only for the purpose of contending that part amounts have been paid towards the suit claim, a fair opportunity is to be given to the defendant to put forth the said pleading. The trial Court has dismissed the application only on the ground that it has been sought to be filed belatedly and it would cause serious prejudice to the plaintiff.

7. I do not see any serious prejudice being caused to the



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plaintiff, by permitting additional written statement to be taken on file considering that the plaintiff will have an option to file a reply statement to the additional written statement and also file an additional proof affidavit.

8. In view of the above, the order in I.A.No.1 of 2023 in O.S.No.489 of 2018 is set aside and the additional written statement of the defendant is directed to be received. The trial Court shall grant two weeks time to the plaintiff to file a reply statement to the additional written statement and thereafter frame any additional issues, if necessary. The Court shall permit the plaintiff to examine himself once again, by filing an additional proof affidavit to meet the averments in the additional written statement regarding the said payment of Rs.50,000/- which according to the defendant has been paid towards meeting the suit claim. Apart from that, a sum of Rs.3,00,000/- has also been paid, about which, there is already reference available. Considering that the suit is of the year 2018, the trial Court shall expedite disposal of the suit and shall even dispose of the suit on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.



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9. The learned counsel for the respondent, Mr.Y.Jyothish Chandar says that the suit is now posted for defendant's side evidence. In view of the above, the Court shall after framing the additional issues, post the matter for further evidence on the side of plaintiff and shall permit P.W.1 to be re-examined.

10. The civil revision petition is allowed in above terms. No costs. Consequently, connected miscellaneous petition is closed.

**16.07.2025**

RAP

Index : Yes / No  
Speaking order : Yes / No  
NCC : Yes / No

**P.B. BALAJI, J.**

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To

The Principal Subordinate Court, Vellore, Vellore District.

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