



CRP No.1536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :08.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.1536 of 2025 and CMP No.8924 of 2025

M. Shanmuga Sundaram (died)

1.C.Muthukumar

2.Uthami

... Petitioners

vs

1.M.Suganthi

2.K.M.Prem Aswath

3.K.M.Akash

.. Respondents

Revision filed under Article 227 of the Constitution of India against the fair and decreetal order daed 24.02.2025 dated 24.02.2025 passed in I.A.No.08 of 2025 in O.S.No.384 of 2018 on the file of Sub Court, Palladam.

For Petitioners : Mr.K.Govi Ganesan

For Respondents : Mr.V.K.Vengadesh Durai Raja
For Mr.Deepan Uday

ORDER

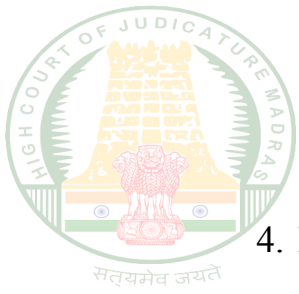
The defendants, aggrieved by the order of the trial Court in I.A.No.8 of 2025 in O.S.No.384 of 2018, rejecting the application to receive additional written statement, is before this Court. The revision petitioners are defendants 2 and 3.



CRP No.1536 of 2025

WEB COPY 2. Learned counsel for the petitioners states that the plea of non-joinder was not taken in the original written statement and he would invite my attention to the additional written statement, which is sought to be filed, by the defendants. Learned counsel would state that an opportunity may be given to the defendants to put forth all pleas before the trial Court. Therefore, learned counsel prays for setting aside the order passed by the trial Court in I.A.No.8 of 2025.

3. Per contra, learned counsel for the respondents/plaintiffs would submit that earlier the defendants were set exparte and subsequently, only with an application to set aside the exparte decree, the written statement was filed and thereafter, for five years, the defendants have not chosen to bring on record any additional pleadings by way of additional written statement. Learned counsel further states that the suit is posted for defendants' side evidence and only for protracting the proceedings, the application has been taken out by the defendants and there is absolutely no necessity to interfere with the well considered order of the trial court and therefore, prays for dismissal of the revision.



CRP No.1536 of 2025

4. I have carefully considered the submissions advanced by the learned counsel on either side and also gone through the order of the trial court, dismissing the application, seeking permission to file additional written statement.

5. The trial Court has found that the suit is in a part-heard stage viz., at the stage of the defendants' evidence and at that juncture, the second defendant has filed an application to receive additional written statement. The reasons assigned by the revision petitioners have been found to be not convincing and unsatisfactory by the trial Court. I have also gone through the affidavit filed in support of the application, seeking to file additional written statement. The averments set out in paragraph No.3 of the affidavit are very vague and certainly not convincing. Moreover, when the suit has reached the stage of defendants' evidence, introducing additional pleadings would only set the clock back and further delay the proceedings.

6. I do not find any valid reasons set out for requiring additional written statement and also justifying the delay. Therefore, there is no infirmity or perversity in order passed by the trial Court in I.A.No.8 of 2025 in O.S.No.384 of 2018.



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CRP No.1536 of 2025

P.B.BALAJI.,J.

sr

7. In the result, the civil revision is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To

The Sub Court, Palladam

CRP No.1536 of 2025