



CRP No.2398 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.06.2025

CORAM:

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

C.R.P.No.2398 of 2025 and CMP No.13828 of 2025

K.R.Thirumoorthy

.... Petitioner

vs

S.Shanthamani

... Respondent

Revision filed under Article 227 of the Constitution of India against the fair and decretal order dated 28.11.2024 passed in I.A.No.9 of 2024 in O.S.No.9 of 2019 on the file II Additional District Judge, Tiruchengode.

For Petitioner

: Mr.R.Murali

For Respondent

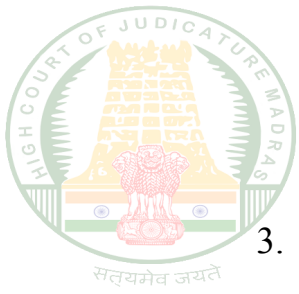
: Mr.R.T.Vishnu

Ms.M.Indira Priyadarshini

ORDER

Heard the learned counsel for the petitioner and learned counsel for the Caveator.

2. The revision petitioner is the plaintiff in O.S.No.9 of 2019 on the file of II Additional District Court, Namakkal.



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3. The defendant has taken out an application in I.A.No.9 of 2024, seeking permission to file an additional written statement. The application came to be allowed on payment of cost of Rs.250/- to the revision petitioner. Challenging the said order, the plaintiff has filed the present revision.

4. Learned counsel for the revision petitioner would state that P.W.1 is in the box and at a the belated stage, the defendant wants to fill up the lacuna and seek to file an additional written statement. Learned counsel would also state that the pleas which are taken in the additional written statement are contradictory to the stand already taken by the defendant in the original written statement. He therefore, prays for the revision being allowed.

5. Per contra, learned counsel for the caveator would state that the additional written statement is warranted only because of the plaintiff having chosen to file a reply statement after examination of P.W.1 in chief was taken up. He would also point out to the finding of the trial court in this regard.

6. I have carefully considered the submissions on either side.

7. As rightly found by the trial Court, after trial commenced, the plaintiff



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has chosen to file a reply statement on 05.09.2024 and thereafter, without any

inordinate delay, an application, seeking to file an additional written statement has been taken out. The learned trial Judge has exercised discretion in allowing the application, to afford an opportunity to the defendant to plead any additional defence that is available to the defendant. However, at the same time, I find that the cost imposed by the trial Court is not commensurate to the prejudice that is caused to the petitioner/plaintiff.

8. Therefore, in order to adequately compensate the same, while dismissing the Civil Revision Petition, the respondent/defendant is directed to pay an additional sum of Rs.2,000/-(Rupees Two Thousand Only) as costs within a period of two weeks from today, to the petitioner, through the counsel here or in the trial Court.

9. In the result, the Civil Revision Petition is dismissed. The parties shall bear their respective costs incurred in this revision petition.

23.06.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

srTo

II Additional District Judge, Tiruchengode.

P.B.BALAJI.,J.



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