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CRP(PD).No.1914 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.1914 of 2025

and

CMP.Nos.10951 of 2025

1.S.Baskaran

2.B.Santha

... Petitioners

Vs.

1.A.Muthukumar @ Saravanan

2.A.Karthikeyan

3.Lakshmi

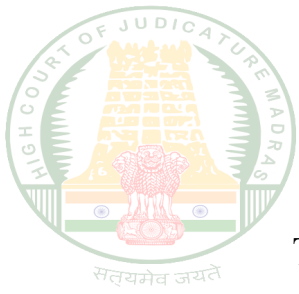
4.Santhi

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 21.02.205 passed in IA.No.1/2024 in OS.No.13/2010 on the file of Learned Principal Subordinate Court, Kancheepuram.

For Petitioner

: M/s.R.Thamaraiselvan



ORDER

The above revision is filed by the defendants 5 and 6 challenging the order passed in IA.No.1 of 2024 in OS.No.13/2010 by the learned Principal Subordinate Judge, Kancheepuram.

2. IA.No.1 of 2024 has been filed to by defendants 4 and 5 to file their additional written statement in the main suit.

3.The short facts are as follows:-

4. The respondents 1 to 4/plaintiffs had filed OS.No.13 of 2010 for partition and separate possession of their 1/5th share in the suit property.

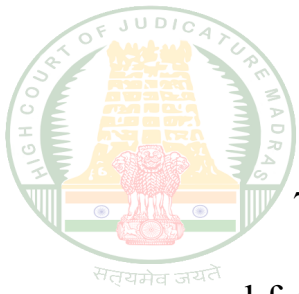
5.The respondents 1 to 4/plaintiffs would claim right to the property through their mother Baby Ammal who is the sister of defendants 1 to 4. It is their contention that the property belonging to their grandmother Kannammal, she having purchased the same under a registered sale deed dated 12.09.1978. Till her death on 02.04.1992, she was in possession and enjoyment of the said property. She had



died leaving behind her surviving defendants 1 to 4, her husband Kuppusamy and the plaintiffs as her legal heirs. Thereafter, Kuppusamy also passed away on 31.12.2000. The respondents 1 to 4/plaintiffs' mother pre-deceased her mother and therefore the respondents 1 to 4/plaintiffs are entitled to a 1/5th share. Since the defendants have not come forward to partition the property, the suit came to be filed.

6.The petitioners/defendants 5 and 6 had filed their written statement denying the claim of the plaintiffs. The petitioners/defendants 5 and 6 would contend that the defendants 1 to 4 are the only legal heirs of the deceased Kannammal and defendants 5 to 6 are the bonafide purchasers from defendants 1 to 4. After the filing of this written statement, an additional written statement was also filed by the 1st petitioner/5th defendant on 29.01.2024 wherein, the 5th defendant would come forward with a new plea that the following persons are the legal heirs of Kannammal.:-

1.Mrs.Jayalakshmi	Daughter
2.Mr.Babu	Son
3.Mr.Shanmugam	Son
4.Mr.Ravi	Son

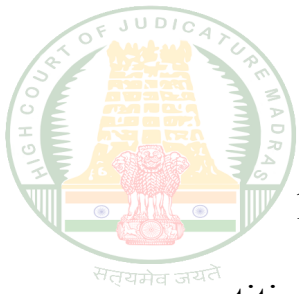


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7. After the death of Kuppusamy, the husband of Kannammal and father of defendants 1 to 4, two of the legal heirs namely, K.Babu and K.Ravi had released their 2/4th share in favour of one K.Shanmugam. The said Shanmugam had in turn released his 3/4th share in favour of Jayalakshmi. Thereafter, Jayalakshmi had sold the property to defendants 5 and 6 under a registered sale deed dated 03.07.2009 and they have been in possession and enjoyment and the same. They have also mortgaged the property by depositing the original title deeds.

8. When the suit was at the part heard stage, pending the cross examination of P.W.1, petitioners/defendants 5 and 6 have filed IA.No.1 of 2024 seeking permission to file yet another written statement. After contest this application has been dismissed by the learned Principal Subordinate Judge, Kancheepuram and challenging the said order the petitioners are before this Court.

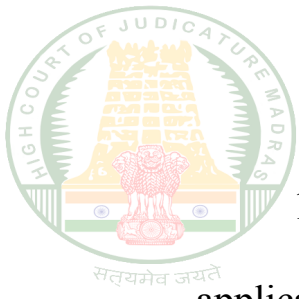
9. Heard the counsels for the petitioners and perused the records.



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10. The above narration of facts would clearly show that the petitioners/defendants 5 and 6 had filed a written statement originally and thereafter on 29.01.2024, the 1st petitioner/5th defendant had filed an additional written statement. The Trial in the suit had commenced on 11.09.2023 and when the matter was posted for cross examination of P.W.1 on 06.11.2023 and 29.11.2024, the petitioners/defendants 5 and 6 have come forward with the impugned petition. In the affidavit filed in support of the said petition no reasons whatsoever have been given and the only statement made is hereinbelow extracted as follows:-

“ I submit the above case has been posted for cross of PW.1 by 5th and 6th defendant on our side on 06.11.2023, I submit that myself has entrusted another advocate by change of vakalath and came to know that the details and Additional information with regard to the above suit have to be filed through Additional Written statement, I filed this application seeking permission to file Additional Written Statement.”



11. The 1st petitioner/5th defendant had earlier taken out an application for filing additional written statement which was allowed and the additional written statement also came to be filed. This is yet another application making the very same request that too when the Trial has commenced in the suit. Therefore, the Principal Subordinate Judge, Kancheepuram has rightly dismissed the application and I see no reason to interfere with the same.

12. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

30.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The II Additional District and Sessions Judge,



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P.T. ASHA. J.,

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