



WEB COPY

CRP No. 3515 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3515 of 2023

AND

CMP NO. 21991 OF 2023

1. M. Muniyandi
S/o. Late. Mr. V.S. Mani, No.5/3,
Gangai Amman Koil 1 st Street,
Vadapalani, Chennai 26.

Petitioner(s)

Vs

1. M. Sekar
s/o. Late. Mr. V.S. Mani, No.6/5,
Gangai Amman Koil 1 st Street,
Vadapalani, Chennai 26.

Respondent(s)

PRAYER

This civil revision petition is filed under Article 227 of the Constitution of India praying to set aside the Fair and Decretal order passed in IA No.4 of 2022 in OS No.5817 of 2021 dated 21.08.2023 on the file of the II Additional City Civil Court at Chennai.



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For Petitioner(s): R.Jayaprakash

For Respondent(s): M/s.S. Mohana Sundara Rajan

ORDER

The revision petitioner is the defendant in [OS.No.5817/2021](#) before the II Additional City Civil Court, Chennai. The suit has been filed by the respondent for partition and separate possession. After the commencement of the trial, the defendant has taken out an application seeking permission to file an additional written statement. The said application in [IA.No.4/2022](#) came to be dismissed by the trial Court.

2. Aggrieved by the said order, the above revision has been preferred. However, no interim stay was granted, and hence, the trial of the suit has proceeded, and it is now brought to my notice that the plaintiff's evidence is over and the case is posted for the defendant's side evidence.

3. Be that as it may, considering that the defendant has not stated any reasons whatsoever for necessitating an additional written statement, the trial



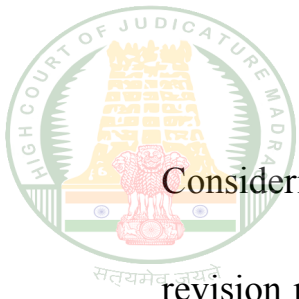
Court has dismissed the application by referring to the decision of this Court in

CRP.No.233/2023, dated 06.02.2023 between Muthusamy Vs. Vinayanathan.

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4. The facts of the said case is also quite similar to the instant case, where after commencement of the trial, the defendant sought to introduce an additional written statement, and finding that no reasons have been assigned for filing the additional written statement, this court disallowed the permission granted for filing the additional written statement and further, it has been held that the power under Article 227 of the Constitution of India cannot be exercised to interfere with the order passed by the trial Court. The impugned order is a well-considered order, based on the fact that the petitioner did not adduce any single reason for necessitating an additional written statement. In the present case as well, in the affidavit filed in support of the application, I find that excepting paragraph No. 3, where the petitioner states that he has omitted to take a specific plea due to oversight and therefore the additional written statement is necessary.

5. Apart from the said paragraph, I do not find any justifiable reasons assigned by the petitioner warranting receipt of an additional written statement.



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Considering that the trial has already commenced and even pending the civil revision petition, the plaintiff's evidence was also closed after examination and cross-examination of the plaintiff's witnesses, it is not proper to interfere with the well-reasoned decisions of the trial court.

6. Admittedly, the defendant filed a written statement in November 2022 in a suit for partition, and subsequently, by introducing an additional written statement, he wants to take up the plea that the property never belonged to the father, but belonged to the mother, and it was purchased by the father in the name of the mother. In the event of additional written statement being taken on file, it will even change the very nature of the suit itself since the issues that might have to be decided would even include whether the sale deed is hit by the provisions of the Benami Transactions (Prohibition) Act as well, besides changing the course of trial itself. Therefore, in the absence of any satisfactory reasons for seeking to bring on record, an additional written statement, I do not see how the petitioner is entitled to file an additional written statement.

7. In the light of the above, I do not find any reasons to interfere with the order of the trial court or to exercise the powers under Article 227 of the



Constitution of India. Thus, the civil revision petition stands **dismissed**.

Considering that the suit has been pending since 2021 and it has been posted for the defendants side evidence even in 2024, the trial court shall dispose of the suit on its merits in accordance with the law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

28-07-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Judge, II Additional City Civil Court at Chennai.



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P.B.BALAJI J.

jrs

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