



WEB COPY

CRP(PD).No.21 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.21 of 2025

and

CMP.No.162 of 2025

1.Selvam
2.Rajkumar
3.Sheela

... Petitioners

Vs.

Rajagopal

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Fair and Decretal order of the learned Subordinate Judge, Tittakudi dated 04.11.2024 passed in I.A.No.347/2024 in O.S.No.71/2023.

For Petitioner : M/s.S.Sivagurunathan

ORDER

Challenging the dismissal of his application for receiving the additional written statement, the petitioners are before this Court.

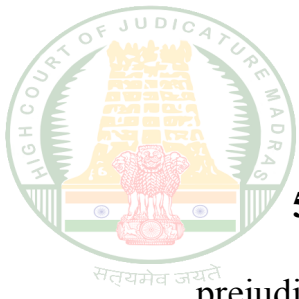


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2. The suit in question is one filed for recovery of money on the basis of a promissory note dated 16.11.2022. The respondent/plaintiff had filed a suit OS.No.71 of 2024 on the file of the Subordinate Judge, Thitakudi for recovery of a sum of Rs. 6,00,000/- borrowed by the wife of the 1st petitioner and mother of the defendants 2 and 3.

3. The 1st petitioner would submit that after the demise of the his wife, the suit has been instituted. The 1st petitioner would further submit that he had lent a sum of Rs.50,000/- to the respondent/plaintiff two years prior to the institution of the suit and when the 1st petitioner insisted that the respondent/plaintiff should repay the loan, a quarrel had taken place and the instant suit is only a backlash of the above incident and the same is based on the fabricated document.

4. The 1st petitioner would submit that he had not narrated the above-said incident to his advocate and therefore, the same has not been incorporated in the written statement and therefore he had come forward with the petition for receiving the additional written statement which was dismissed by the learned Subordinate Judge, Tittakudi by his order dated 04.11.2024. Challenging the same, the petitioners are before this Court.



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5. The learned counsel for the petitioners would submit that no prejudice would be caused to the respondent/plaintiff if the application is allowed as it is only on the basis of the pleadings that evidence can be let in.

6. Heard the learned counsel for the petitioners and perused the records.

7. The suit O.S.No. 71 of 2023 has been filed as early as in the year 2023 and when the suit is posted for the cross examination of PW1, the application for receiving the additional written statement has been filed. There is no reason given as to why the additional written statement is required and as to why the amendment has not been taken at the time of framing of the issues or even before the trial has commenced. The application appears to be an attempt to fill up the lacuna pursuant to the evidence of PW1. Further, it is always open to the petitioners to cross examine PW1 in this regard and there is no necessity to amend the written statement that too at such a belated stage.

8. The contention of the learned counsel for the petitioners that no prejudice would be caused to the plaintiff/respondent is totally



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misconceived since once the additional written statement is taken on file, issues would have to be re-framed and thereafter the proceeding has to start from the chief examination of PW1 which would definitely result in the proceeding being protracted. Therefore, the order passed by the learned Subordinate Judge, Tittakudi in I.A.No347 of 2024 in OS.No.71 of 2023 dated 04.11.2024 is very much in order and I see no reason to interfere with the same.

9. In fine, the above Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

03.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Subordinate Judge, Tittakudi



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P.T. ASHA. J.,

(shr)

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