



CRP.No.5183 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2025

CORAM

THE HONOURABLE MR JUSTICE S.SOUNTHAR

CRP.No.5183 of 2025
and C.M.P.No.26154 of 2025

K.Kalyanasundaram,
S/o.V.Kandasamy Pillai

... Petitioner

Vs.

K.G.Padmanabhakurup(Died)
1. P.Brindha
2. P.Thushara
3. P.Thulasi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and Decreetal order dated 02.09.2025 made in I.A.No.3 of 2024 in O.S.No.7698 of 2012 on the file of Learned II Assistant City Civil Court, Chennai by allowing the I.A.No.3 of 2024 in O.S.No.7698 of 2012.

For Petitioner : Mr.A.Prakash



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ORDER

WEB COPY This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioner/defendant seeking to receive additional written statement.

2. The respondent herein filed a suit for mandatory injunction directing the petitioner to remove the fitting and accessories installed by him in the suit property. The said suit was decreed and aggrieved by the same, the petitioner preferred appeal in A.S.No.129 and 219 of 2018. The Appellate Court set aside the judgment and decree passed by the Trial Court and remanded the matter for fresh consideration. Claiming, the appellate Court granted liberty to file additional written statement, the petitioner filed an application to receive the additional written statement.

3. The Trial Court dismissed the application on the ground that the Appellate Court at the time of remand did not grant any opportunity to the petitioner to file additional pleadings. Aggrieved by the same, the petitioner has come before this Court.

4. Learned counsel for the petitioner by taking this Court to the



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remand order passed by the Appellate Court would submit that liberty was granted to the petitioner to adduce further evidence and therefore, the petitioner was constrained to file instant application to receive additional written statement.

5. When no specific liberty was granted to the parties to file any additional pleadings in the remand order, the petitioner would not be entitled to file the same. Liberty was granted only to adduce further evidence and no liberty was granted to file additional pleadings. In such circumstances, I do not find any illegality or irregularity in the order passed by the Court below.

6. Accordingly, this Civil Revision Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

29.10.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
Neutral Citation : Yes/No
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S.SOUNTHAR,J.



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To

The Learned II Assistant City Civil Court,
Chennai

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