



WEB COPY



CRP.No.5093 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5093 of 2025 and

CMP.No.25671 of 2025

1.Murugesan

2.Manimegalai

... Petitioners

Vs.

Ganesan

...Respondent

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the impugned order dated 20.09.2025 in IA No 2/2025 in OS No. 523 / 2023 which is pending before the learned Additional District Court, Attur.

For Petitioner

: Mr.P.Vijendran

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners/defendants in I.A.No.2 of 2025 seeking leave of the court to file additional written statement.

2. The respondent herein filed a suit seeking recovery of money against the defendants in respect of amount paid by him for purchase of tipper lorry



bearing registration No.TN-16,E-5004 and Bolero vehicle bearing registration No.TN-77,S-1042. The said suit was resisted by the defendants by filing written statement wherein the averments made by the plaintiff in the plaint had been denied. It was also stated by the defendants in the original written statement that both the tipper lorry and the Bolero vehicle were in possession of the plaintiff. Now, the trial of the suit is already been commenced. In fact, the time limit has been fixed by this Court for completion of trial in another civil revision petition filed by the petitioners.

3. The defendants filed I.A.No.2 of 2025 for reception of additional written statement on the ground that they acquired knowledge about the criminal case pending against the plaintiff. Along with the application, they also filed additional written statement. A perusal of the same would indicate that petitioners, in their additional written statement, had stated that plaintiff produced the Bolero Jeep before the police station in July 2023 promising to produce the tipper lorry later. However, in September 2023, without producing the tipper lorry, he had taken back the bolero Zeep. The original written statement of the defendants was filed in November 2023. The facts narrated in the additional written statement were not mentioned in the original written



statement. However, in the original written statement, it was asserted by the defendants that both the vehicles were in possession of the plaintiff. In such circumstances, necessary averments are already available in the original written statement of the defendants. The new averment sought to be raised by the petitioners in the additional written statement is not at all necessary in view of the specific stand taken by the defendants that both the vehicles were in possession of the plaintiff in the original written statement. The petitioners, in the affidavit filed in support of I.A.No.2 of 2025, has not given any satisfactory reason for their failure to raise all facts in the original written statement filed by them. In such circumstances, this Court is not inclined to interfere with the order passed by the Trial Court dismissing the application filed by the petitioners/defendants. Accordingly, the Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

27.10.2025

Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.

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To
The Additional District Court, Attur.

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