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C.R.P.No.5681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5681 of 2025

and

C.M.P.No.28386 of 2025

P.S.Ravi

... Petitioner

Vs.

1. Selvi P.S.Kousalya
2. Prithivi Raj
3. P.S.Ramesh

... Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, to set aside the impugned order dated 09.10.2025 in I.A.No.7 of 2025 in O.S.No.331 of 2023 which is pending before the learned XXII Assistant City Civil Court, Allikulam.

For Petitioner : Ms.K.Manikuyil
for Mr.P.Vijendran

ORDER

This Civil Revision Petition has been filed challenging the order passed by the learned XXII Assistant Judge, City Civil Court, Allikulam,

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Chennai, dismissing the application in I.A.No.7 of 2025 in O.S.No.331 of 2023 filed by the petitioner/first defendant seeking leave of the Court to file additional written statement.

2. The first respondent herein filed a suit in O.S.No.331 of 2023 seeking partition of her half share and a declaration that the Cancellation Deed dated 30.04.2012 and the Settlement Deed dated 23.05.2012 are null and void. She has also sought a permanent injunction restraining the defendants from interfering with her peaceful possession and enjoyment of the suit schedule property.

3. The petitioner herein/first defendant already filed written statement and has been contesting the suit. The plaintiff's side evidence is over and the matter was posted for defendants's side evidence. At this stage, an interlocutory application in I.A.No.7 of 2025 was filed by the petitioner seeking leave of the Court to file additional written statement.

4. A perusal of the averments made in the affidavit filed in support of the petition and additional written statement would indicate that the petitioner wants to raise a plea of *res-judicata* in the additional written

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statement. According to the petitioner, the earlier suit filed by the first respondent herein for partition in O.S.No.3892 of 2023 would operate as *res-judicata* against the present suit.

5. A close scrutiny of the averments made in the affidavit would indicate that the present plaintiff Kousalya was not a party to the earlier suit in O.S.No.3892 of 2023, even as per the averments in the affidavit of the petitioner. In such circumstances, the trial Court has rightly come to a conclusion that the earlier suit would not bar the present suit. In such circumstances, the petition filed seeking leave of the Court to file additional written statement is wholly unnecessary. Therefore, I do not find any error in the impugned order passed by the trial Court. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.11.2025

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
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To

The XXII Assistant Judge,
City Civil Court, Allikulam,
Chennai.



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S.SOUNTHAR, J.
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