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C.R.P.No.5879 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.5879 of 2025
and CMP.No.29043 of 2025

D.Ganeshamoorthy

... Petitioner

VS.

M.Saraswathidevi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and final order dated 22.10.2025 passed in I.A.No.1 of 2025 in O.S.No.181 of 2018 on the file of the II Additional District Court, Erode.

For Petitioner : Mr.S.Kaithamalai Kumaran

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner seeking permission to file reply statement. The petitioner filed a suit for specific performance of agreement dated 20.06.2013.

2.The respondent herein filed a written statement and raised a plea that the plaintiff is a financier and there was a dealing between defendant's husband and the plaintiff in the financial business. Taking advantage of the

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same, the plaintiff insisted the defendant to give agreement mentioned property as a security for transaction involving the plaintiff and defendant's husband.

3.The petitioner herein filed an application to receive the reply statement and the same was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.

4.The learned counsel appearing for the petitioner would submit that the defendant in her written statement raised a plea that the agreement mentioned property was only a security and there was no intention of sale. In the reply statement, the petitioner wanted deny the said averment.

5.It is settled law, the plaintiff is not bound to file a reply statement for every defence raised in the written statement unless certain new pleas are raised by the defendant which requires clarification. It was the specific case of the petitioner/plaintiff, the suit agreement is a sale agreement and it was entered into with consensus ad idem. The defendant filed a written statement and raised a plea that agreement mentioned property was offered only as security and there was no intention to enter into an agreement of



sale. The petitioner in his plaint asserted it was a sale agreement and hence there is no need for the plaintiff to file a reply statement denying the defence raised by the defendant.

6. A perusal of reply statement would indicate that the petitioner simply denied each and every averments made by the defendant in the written statement. In the absence of any new plea requiring clarification from the plaintiff, there is no need to file a reply statement. The trial Court rightly appreciated the position and dismissed the application filed by the petitioner.

7.I do not find any error in the interim order passed by the trial Court. Accordingly, the Civil Revision Petition stands dismissed.

8.It is made clear that the non filing of reply statement by the plaintiff denying each and every defence raised by the defendant shall not affect case of the plaintiff. No costs. Consequently, connected miscellaneous petition closed.

24.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.
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To

The II Additional District Court,
Erode.

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