



WEB COPY

CRP No.5822 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.5822 of 2025 and
CMP No.28909 of 2025**

Jayaram @ Jayapal Reddy

... Petitioner(s)

Vs.

B.T.Aruna

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed in I.A.No.6 of 2025 in O.S.No.220 of 2010, dated 06.11.2025 on the file of District Munsif cum Judicial Magistrate No.I, Hosur and consequently, to grant leave to file additional written statement in the suit by allowing the civil revision petition.

For Petitioner(s): Mr.R.Jayaprakash

ORDER

This civil revision petition is filed challenging the order passed by the court below, dismissing the application filed by the petitioner/defendant seeking leave to file additional written statement.



2. The respondent/plaintiff filed a suit for declaration of title and permanent injunction. The said suit was filed in the year 2010 and the petitioner herein, who was sole defendant in the suit filed his written statement on 29.11.2010 raising certain facts. After 15 years from the date of filing the written statement, the petitioner filed the instant application seeking leave to file additional written statement and the same was dismissed by the Trial Court. Aggrieved by the same, the present civil revision petition has been filed.

4. The learned counsel for the petitioner/defendant would submit that certain material facts, concerning the subject matter of the suit was omitted to be mentioned in the written statement. Therefore, if the petitioner is not allowed to file additional written statement, it would cause serious prejudice to him.

5. A perusal of records would indicate that in the affidavit filed in support of the petition to receive additional written statement, the petitioner stated that his previous counsel failed to mention certain important facts concerning the suit property. Therefore, the defendant has been constrained to file the said application seeking leave of the court to file additional written statement.



6. The pleadings prepared by the counsel are based on the instructions given by the parties alone. Further, the pleadings prepared by the counsel are verified by the parties. Therefore, it is not open to the petitioner to say that certain material facts, concerning the subject matter were omitted to be mentioned by the previous counsel and therefore, he should be allowed to file additional written statement. Further, the suit is of the year 2010 and trial in the suit was already commenced and now, it is in the stage of DW1 cross. The Trial Court, in the impugned order, pointed out that in the proof affidavit filed by the DW1 (defendant), there was no mention about the new facts sought to be introduced by filing the additional written statement. Taking into consideration the long delay in filing the petition to receive additional written statement and also the suit is at the stage of DW1 cross, the Trial Court rightly dismissed the application and I do not find any error to interfere with the same.

7. Accordingly, this civil revision petition is dismissed, confirming the impugned order passed by the Trial Court. There shall be no order as to costs. Connected miscellaneous petition is closed.

19.11.2025

Internet: yes
Index: Yes/No
Neutral citation: Yes/No
MST

To
The District Munsif cum Judicial Magistrate No.1, Hosur.



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S.SOUNTHAR, J.

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