



C.R.P.(MD).No.231 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2025

CORAM:

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.231 of 2025

Against

I.A.No.571 of 2024

in

O.S.No.103 of 2007

Shanmugam

.. Petitioner/2nd petitioner/ 2nd defendant

Vs.

1.Rengasamy Servai

2.Devendran

3.Selvamurugan

4.Kaliyamoorthy .. Respondents 1 to 4/ Respondents 1 to 4/ Plaintiffs

For Petitioner : Mr.P.Senthil

For RR2 & 3 : Mr.A.Sivasubramanian

Mr.A.Feroz Khan

Mr.G.A.Srijala

Prayer: This civil revision petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 03.12.2024 passed in I.A.No.571 of 2024 in O.S.No.103 of 2007 on the file of Learned Principal District Munisf Court, Thanjavur.



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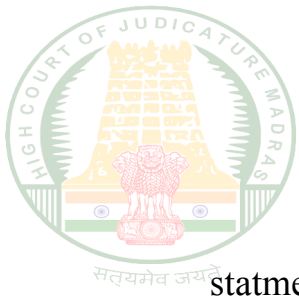
ORDER

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The second defendant in O.S.No.103 of 2007 on the file of the Principal District Munisf, Thanjavur has filed this present civil revision petition, challenging the order, by which permission for filing the additional written statement has been rejected.

2. A perusal of the record reveals that the said suit has been filed for the relief of declaration and recovery of possession. When the suit is posted for cross-examination of DW1, the present application has been filed by the second defendant in I.A.No.571 of 2020, by the defendants 1 and 2 in I.A.No.571 of 2024, seeking permission of the Court to file additional written statement. It is submitted that the application was dismissed by the trial Court on the ground that the reasons assigned for filing this application after a delay of so many years is not acceptable and the trial Court has proceeded to dismiss the application. Challenging the same the present civil revision petition is filed.

3. According to the learned counsel appearing for the petitioner, the defendants have been constrained to file an additional written



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statement only for the purpose of bringing to the notice of the Court, that the second defendant is in possession of the extent as per FMB in S.No. 144/5B and the plaintiff is in possession of Survey No.144/5E.

4. A counter has been filed by the respondents/plaintiffs contending that such an application has been filed, when the suit is posted for cross-examination of D.W.1. Considering the same, the trial Court has proceeded to dismiss the application.

5. A perusal of the records reveal that the suit is of the year 2007 and the defendant has filed his written statement in the year 2007 itself. When it is posted for cross-examination of D.W.1, the present attempt has been made to seek the permission of this Court to file additional written statment in the year 2024. Therefore, this Court does not find any reason whatsoever to entertain such an application at such belated stage. Therefore, there are no merits in this civil revision petition.



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6. In view of the above, the civil revision petition stands dismissed. No costs.

28.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
nst
To
The Learned Principal District Munisf Court,
Thanjavur.



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R.VIJAYAKUMAR, J.

nst

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Dated: 28.02.2025

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