



C.R..P.(PD)(MD).No.495 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.495 of 2025

and

C.M.P(MD) No.2760 of 2025

A.Marudhamuthu (Died)

M.Kamala (Died)

1. Dhanalakshmi

2. Manikandan

... Revision Petitioners/
Petitioners/Plaintiffs

Vs.

R.Rajarathinam (Died)

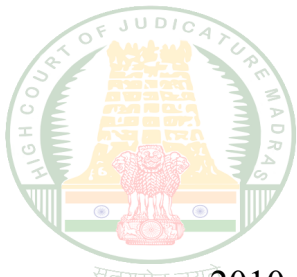
1. Sekar Asari,
Sakthi Lorry Builders,
Musiri Privu Road, Thuraiyur Post,
Tiruchirapalli District.

2. Rajagopal

Dhaksinamoorthy (Died)

... Respondents/
Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, as against the Docket order dated 10.12.2024 made in I.A.No.249 of



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2010 in O.S.No.58 of 2005 passed by the District Munsif, Lalgudi in the
Objection Memo filed by the plaintiffs.

For Petitioners : Mr.M.R.Sreenivasan

For R1 and R2 : Mr.K.S.Kathiravan

ORDER

The plaintiffs in O.S.No.58 of 2005 on the file of the District Munsif Court, Lalgudi, have filed the present Civil Revision Petition challenging the Docket order dated 10.12.2024, wherein, the Court has permitted the third defendant to adopt the written statement of the second defendant.

2. A perusal of the records reveal that the second defendant has filed a written statement in the year 2006 itself. However, the third defendant had filed a Memo only on 06.12.2024, after the trial has commenced, adopting the written statement of the second defendant. By way of impugned docket order, the trial Court has allowed the application permitting the third defendant to adopt the written statement of the second defendant. Challenging the said docket order, the present Civil Revision Petition has been filed.



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3. According to the learned counsel appearing for the revision petitioners, when the adoption Memo was filed belatedly, the trial Court should not have allowed the said application and should have imposed cost upon the third defendant.

4. Per contra, the learned counsel appearing for the respondents 1 and 2 had contended that the third defendant was not set *ex parte* and therefore, he has filed a Memo adopting the written statement of the second defendant.

5. A perusal of the docket order passed by the trial Court reveals that the 90 days period is only directive in nature, the Court has proceeded to accept the adoption Memo filed by the third defendant. Since the third defendant has not filed any written statement but only adopting the written statement of the second defendant, no prejudice would be caused to the plaintiffs.

6. In such circumstances, this Court finds that there is no error in the order of the trial Court. Accordingly, this Civil Revision Petition stands dismissed. The third defendant is directed to pay a cost of Rs.1000/- (Rupees



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Thousand only) to the learned counsel appearing for the plaintiffs before the trial Court on or before **19.03.2025**. There shall be no order as to costs.

Consequently connected Miscellaneous Petition stands closed.

21.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Munsif Court,
Lalgudi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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