



C.R..P.(PD)(MD).No.422 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.422 of 2025

and

C.M.P(MD) No.2367 of 2025

1. Mallika
2. Santhi
3. Shanmugapriya
4. Karthick

... Petitioners/ Petitioners/
Defendants 2 and 4 to 6

Vs.

1. Nagajothi Ammal
2. Subbulakshmi Ammal
3. Mariammal
4. Vijayakumar
5. P.Ganesan
6. T.Ganesan

... Respondents 1 to 3/
Respondents 1 to 3/
Plaintiffs

... Respondents 4 to 6/
Respondents 4 to 6/
Defendants 3, 7 and 8



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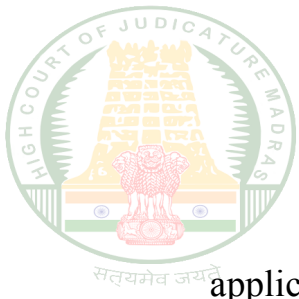
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.12.2024 passed in I.A.No.12 of 2024 in O.S.No.5 of 2011 on the file of the Subordinate Court, Kovilpatti, and allow the present Civil Revision Petition.

For Petitioners : Mr.R.J.Karthick
For R1 to R3 : Mr.K.K.Senthil
For R4 : No appearance
For R5 and R6 : Mr.V.Sathurthi Raja
for Mr.S.Kadarkarai

ORDER

The defendants in O.S.No.5 of 2011, on the file of Sub Court, Kovilpatti, have filed the revision petition challenging the dismissal of their application filed in I.A.No.12 of 2024, seeking the permission of the Court for filing additional written statement.

2. A perusal of the records reveal that the suit is for partition and when the suit is posted for arguments on the side of the defendants, the present application has been filed. The trial Court has proceeded to dismiss the



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application primarily on the ground that the application has been filed belatedly. In the additional written statement, the defendants have raised a plea that pending suit the plaintiffs have entered into a sale agreement with defendants 7 and 8. Therefore, the said pleadings should be brought on record. The trial Court has proceeded to dismiss the said application for reception of additional written statement on the ground that it is the *pendente lite* sale agreement, the agreement holder pursuant to a *pendente lite* sale agreement is always governed by the decree to be passed by the trial Court and therefore, the said pleadings need not be brought on record. Challenging the same, the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioners, the defendants have filed I.A.No.8 of 2024 seeking to mark 35 documents as additional documents and only to incorporate the pleading with regard to those additional documents, the present additional written statement has been filed.



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4. Per contra, the learned counsel appearing for the respondents 1 to 3/ plaintiffs had contended that the additional written statement cannot be filed at the belated stage when the suit is posted for arguments.

5. Heard both sides and perused the material on records.

6. As far as the plea of the defendants relating to the sale agreement entered into by the plaintiffs pending suit is concerned, the same is always subject to the result of the suit and therefore, the pleadings recording the same need not be brought on record by way of an additional written statement. As far as the additional documents, sought to be marked in I.A.No.8 of 2024, the trial Court has already allowed the said application and it has been confirmed by this Court in C.R.P(MD) No. 949 of 2025. There is already pleading in the original written statement relating to the exclusive possession of the defendants. In such circumstances, filing of additional written statement incorporating evidence is not necessary. Therefore, the trial Court has rightly rejected I.A.No.12 of 2024 and there are no merits in the Civil Revision Petition.



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7. Accordingly, this Civil Revision Petition is dismissed. Considering the fact that the suit is of the year 2011 and it is in the argument stage, the trial Court is directed to dispose of the suit in O.S.No. 5 of 2011 on or before **31.07.2025**. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

24.03.2025

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

1. The Subordinate Court,
Kovilpatti
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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