



C.R.P.(PD)(MD).No.620 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.620 of 2024
and CMP(MD).No.3070 of 2024

1.Ashok Veslee

2.Bala Thilagar ... Petitioners/Petitioners/Defendants

-VS-

Anthony SiluvairajRespondent/Respondent/Plaintiff

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 19.01.2024 passed in I.A.No.644 of 2023 in O.S.No.73 of 2019 on the file of the District Munsif Court, Sathankulam.

For Petitioners : Mr.S.Kadarkarai

For Respondent : Mr.I.Pinaygash

ORDER

The defendants in O.S.No.73 of 2019 on the file of the District Munsif Court, Sathankulam have filed the above civil revision petition



C.R.P.(PD)(MD).No.620 of 2024

challenging the dismissal of their application seeking permission of the Court to file additional written statement.

2.A perusal of the records reveal that the plaintiff has initially filed the suit with a prayer for declaration of title and permanent injunction. The plaintiff has further prayed for declaration that the document dated 31.07.2019 executed by the second defendant in favour of the first defendant as null and void.

3.Pending suit, the plaintiff has filed I.A.No115 of 2022 to amend the plaint in order to incorporate a prayer for recovery of possession. The said application was allowed by the trial Court. Consequent to the allowing of the application for amendment of plaint, the defendants have filed I.A.No.644 of 2023 seeking permission of the Court to file additional written statement. The trial Court though had observed that the permission should be granted to the defendants, ultimately had dismissed the application without assigning any reason whatsoever. Challenging the same, the present civil revision petition has been filed.

4.According to the learned counsel for the revision petitioners, when amendment for incorporating a prayer for recovery of possession was allowed, the defendants should be permitted to file an additional



C.R.P.(PD)(MD).No.620 of 2024

written statement. The trial Court after arriving at a finding that in the interest of justice, the defendants should be permitted to file an additional written statement, proceeded to pass an order of dismissal without assigning any reason.

5.Per contra, the learned counsel for the respondent/plaintiff submits that the error in the order could have been rectified by the plaintiff by filing a review.

6.Whenever the plaint is amended, as a matter of right, the defendants are entitled file an additional written statement. In such circumstances, the permission of the Court itself is not necessary to file additional written statement. The trial Court after arriving at a finding that in the interest of justice such an application seeking permission of the Court to file additional written statement should be allowed, has erroneously dismissed the application ultimately.

7.In view of the above said deliberations, the order impugned in the revision petition is set aside and I.A.No.644 of 2023 stands allowed. The additional written statement of the defendants shall be received by the trial Court.



C.R.P.(PD)(MD).No.620 of 2024

WEB COPY

8.Considering the fact that the suit is of the year 2019, the trial Court is directed to dispose of the suit on or before 31.12.2025.

9.Accordingly, this civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1.The District Munsif
Sathankulam

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(PD)(MD).No.620 of 2024

R.VIJAYAKUMAR, J

msa

C.R.P.(PD)(MD).No.620 of 2024
and CMP(MD).No.3070 of 2024

11.03.2025