



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1801 of 2025

and

C.M.P.(MD)No.9879 of 2025

M.Johny Sathish Kumar

...Petitioner

Vs.

J.Uthaya

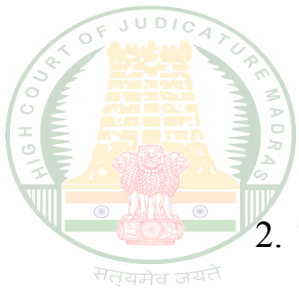
...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order made in I.A.No.7 of 2024 in O.S.No.61 of 2023 dated 21.04.2025 passed by the learned Sub Judge, Eraniel, Kanyakumari District and subsequently set aside the same as illegal and erroneous and consequently revise the said order.

For Petitioners : Mr.S.Palanivelayutham

ORDER

This Civil Revision Petition has been filed seeking an order to set aside the fair and decreetal order dated 21.04.2025 made in I.A.No.7 of 2024 in O.S.No.61 of 2023 on the file of the learned Sub Judge, Eraniel, Kanyakumari District.



2. The petitioner herein filed the suit in O.S.No.61 of 2023 before the learned Sub Judge, Eraniel, against the respondent, seeking declaration that the petitioner is the absolute owner of the suit schedule property and for a consequential injunction restraining the respondent and her men, agents, or anyone on her behalf from interfering with the petitioner's peaceful possession and enjoyment of the suit property. Pending suit, the respondent filed an interlocutory application in I.A.No.7 of 2024 under Order VII Rule 11(d) and (f) r/w Section 151 of CPC seeking rejection of the replication filed by the petitioner. The said application was allowed by the trial Court on 21.04.2025. Aggrieved by the said order, the present Civil Revision Petition has been filed.

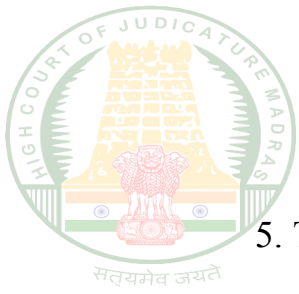
3. The learned counsel for the petitioner submits that the petitioner is the husband of the respondent. While working abroad, he sent money to his wife, and out of those funds, the respondent purchased the property in her name. Due to matrimonial disputes, the respondent denied the petitioner's claim and asserted the property was bought from her own funds. Accordingly, the petitioner filed the present suit. The respondent filed her original written statement on 21.11.2023 and later, she filed an interlocutory application in I.A.No.6 of 2024 seeking amendment of the written statement. The respondent has sought for correction of the typographical errors found in paragraph Nos.8, 9, 13 and 14 of the written statement, where she wanted to change the



'defendant' in the place of the 'plaintiff' and 'respondent' in the place of 'plaintiff' and the same was allowed on 29.04.2024. She then filed the amended written statement on 16.10.2024. Before the next hearing date on 18.11.2024, the petitioner filed a replication on 15.11.2024. Thereafter, the respondent filed I.A.No.7 of 2024 on 18.11.2024 to reject the said replication, and the same was allowed. However, the trial Court dismissed the replication filed by the petitioner.

3.(i). The learned counsel for the petitioner submits that in the original written statement, the respondent had admitted that the property was purchased from the petitioner's funds, and only through the amendment, she denied the same. He further contends that the replication was filed to address those amended averments and ought not to have been rejected.

4. However, the trial Court has already permitted the respondent to amend her written statement in I.A.No.6 of 2024 under Order VI Rule 17 CPC, and such amendment has been duly carried out. There is no procedural requirement under CPC to file a replication unless the Court specifically directs or permits the same. The trial Court, after considering the objection raised by the respondent under Order VII Rule 11(d) and (f) r/w Section 151 CPC, rightly allowed the application rejecting the replication.



5. This Court, while refraining from expressing any opinion on the merits of the suit, is of the view that the trial Court has acted within its jurisdiction and has not committed any error in allowing I.A.No.7 of 2024. Therefore, no interference is called for with the impugned order.

6. Accordingly, the Civil Revision Petition is dismissed. However, it is made clear that the trial Court shall decide the suit independently on its own merits, uninfluenced by any of the observations made in this order. No costs. Consequently, the connected miscellaneous petition is closed.

30.06.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Sub Judge, Eraniel, Kanyakumari District.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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