



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1623 of 2021

and

C.M.P.(MD).No.8801 of 2021

B.Govindaraj

...Petitioner

Vs.

Kommanthapuram-Renganathapuram,
Kulalar Community
represented by its present President,
Renganathapuram,
Kommanthapuram Village,
Rajapalayam Taluk,
Virudhunagar District.

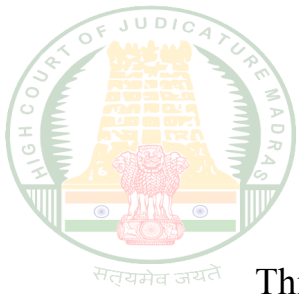
...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order made in I.A.No.1 of 2021 in O.S.No.364 of 2019 dated 30.09.2021 on the file of the learned District Munsif, Rajapalayam.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : No Appearance

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ORDER

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This petition has been filed seeking orders to set aside the fair and decreetal order made in I.A.No.1 of 2021 in O.S.No.364 of 2019 dated 30.09.2021 on the file of the learned District Munsif, Rajapalayam.

2. The respondent herein filed a suit in O.S.No.364 of 2019 before the learned District Munsif, Rajapalayam, seeking eviction and recover the rent arrears to the tune of Rs.6,000/- from the petitioner herein. Pending suit, the petitioner herein filed an interlocutory application in I.A.No.1 of 2021 before the learned District Munsif, Rajapalayam, under Order VIII Rule 9 of the Code of Civil Procedure for filing additional written statement along with the counter claim and the said application was rejected on 30.09.2021. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that, admittedly, the respondent / plaintiff is the owner of the property and had rented out the premises to the petitioner. After the execution of the tenancy agreement, the petitioner developed the property. However, this fact was not disclosed in the written statement filed by the petitioner at the relevant point of time. Subsequently, the petitioner realized the necessity of filing an additional written statement to bring on record the development carried out by the petitioner / tenant. The non-disclosure of such material facts would cause serious prejudice



to the interest of the petitioner, which aspect was not considered by the trial Court. Accordingly, he prays for allowing this petition.

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4. Though the name of the respondent has been printed in the cause list, none appeared on behalf of the respondent.

5. Considering the pendency of the case, this Court is inclined to dispose of the Civil Revision Petition based on the available records. Admittedly, the petitioner is a tenant, and the respondent has filed a suit in O.S. No. 364 of 2019 for recovery of possession and arrears of rent. After the filing of the written statement by the petitioner, the matter was posted for trial. During the course of trial, the petitioner cross-examined P.W.1. Thereafter, the petitioner filed an application under Order VIII Rule 9 of the Code of Civil Procedure seeking leave to file an additional written statement and for framing of additional issues. However, it is a settled position that a counter-claim must be filed along with the written statement. In the present case, the petitioner did not file any counter-claim at the appropriate time. Having allowed the trial to proceed, the petitioner has now sought to file an additional written statement after a lapse of five years. The petitioner, being a tenant, was fully aware of the developments made in the suit property even prior to the institution of the suit, but failed to disclose the same in the written statement originally filed. The subsequent attempt to raise this plea at a belated stage appears to be only to drag on the proceedings before



the trial Court. Such conduct on the part of the petitioner cannot be permitted.

Hence, the order passed by the trial Court need not be interfered with and the

trial Court has rightly rejected the petition.

6. In the result, this Civil Revision Petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

16.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The District Munsif Court, Rajapalayam.

2. The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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