



CRP(MD). No.1981 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/07/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1981 of 2025
and CMP(MD) No.11392 of 2025**

K.Ramasamy

... Petitioner

Vs

1. R.Rajeswari
2. Selvaraj
3. M.Indirani
4. K.Balasubramanian
G.Ramakrishnan (Died)
5. R.Venkatesan

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 03.06.2025 made in I.A.No.2/2024 in O.S.No.434/2010 on the file of Additional District Munsif Court, Karur.

For Petitioner : Mr.R.Devaraj

For Respondents : Mr.P.Athimoolapandian

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 03.06.2025 made in I.A.No.2/2024 in O.S.No.434/2010 on the file of Additional District Munsif Court, Karur.



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2. The petitioner is the third defendant and the respondents/plaintiffs 1 to 3 filed a suit for partition in OS No.434/2010. Pending suit, the 4th defendant has purchased the property from the plaintiffs 1 to 3 and he was transposed as 4th plaintiff on 10.02.2016 in IA No.1217/2014. Initially, the petitioner/3rd defendant has filed written statement. However, after the 4th defendant was impleaded/transposed as 4th plaintiff, the petitioner herein had not filed any written statement. However, in the year 2024 the petitioner has filed an application under Order VIII Rule 9 of the Code of Civil Procedure seeking permission to receive additional written statement, which was dismissed by the trial Court. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the trial Court dismissed the additional written statement on the ground that it has been belatedly filed after a lapse of eight years. The learned counsel would submit that when the suit is pending, the plaintiffs 1 to 3 alienated the property in favour of the 4th defendant and as such 4th defendant was transposed as 4th plaintiff and hence the document to be tagged by way of



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additional written statement and hence, the present interlocutory application was filed. The learned counsel would further contend that by accepting additional written statement, no prejudice would be caused to the parties. Hence, he prays for interference.

4. The learned counsel for the respondents, on the other hand, would contend that any subsequent alienation is subject matter of the civil suit pending before the trial Court and already the very same sale deed in question was cross-examined by the petitioner/third defendant at the time of cross-examination of P.W.1 and after completion of P.W.1 evidence, it is posted for further cross and at that point of time only, the additional written statement was filed, which itself shows that it is nothing but prolonging the issue and hence, the trial Court rightly rejected the application. He would further submit that after transposing the 4th defendant as 4th plaintiff, the trial Court has granted time for the petitioner herein to file additional written statement vide orders dated 29.03.2016, 06.04.2016, 07.07.2016 and 20.07.2016. However, though as many as four opportunities were granted for filing additional written statements, the petitioner has not chosen to file at that point of time and



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after a lapse of eight years, the petitioner herein has filed additional written statement in the year 2024, that too, after cross-examination of P.W.1 for the very same document/sale deed. For all these reasons, he prays for dismissal.

5. I have considered the rival submissions and perused the materials available on record.

6. A perusal of the application filed for filing additional written statement would go to show that the 4th defendant was transposed as 4th plaintiff even in the year 2016 and after a lapse of eight long years, the application for filing additional written statement was filed in the year 2024. It is also seen that pending suit, alienation had taken place and the plaintiffs 1 to 3 alienated the properties in favour of the 4th defendant and when the plaintiffs 1 to 3 about to withdraw the suit, the 4th defendant was transposed as 4th plaintiff. It is also contended that though opportunities were granted to the petitioner to file additional written statements, the petitioner has not utilised the same and in the year 2024, he has filed an application for filing additional written statement, which



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only shows that the petition was filed only to drag on the proceedings.

In the written statement also, no new plea has been taken and after cross-examination of P.W.1 and when the suit was posted for further cross of P.W.1 alone, the application for filing additional written statement was filed. Hence, for all these reasons, the trial Court rightly dismissed the application, which, in the considered opinion of this Court, does not require any interference.

7. Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently connected Miscellaneous Petition is closed.

25.07.2025

NCC : Yes/No

Index : Yes/No

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TO

1.The Additional District Munsif Court, Karur.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.1981 of 2025**

Date : 25/07/2025