



C.R..P.(PD)(MD).No.1683 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1683 of 2021

and

C.M.P.(MD)No.9078 of 2021

N.Musthafa

... Petitioner

Vs.

S.Jasmine

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 19.08.2021 in I.A.No.01 of 2020 in O.S.No.37 of 2017 on the file of the Additional District Court, (FTC), Tenkasi.

For Petitioner : Mr.I.Robert Chandrakumar
For Respondent : Mr.B.Prahalad Ravi

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order dated 19.08.2021 in I.A.No.01 of 2020 in O.S.No.37 of 2017 on the file of the Additional District Court, (FTC), Tenkasi.



C.R..P.(PD)(MD).No.1683 of 2021

WEB COPY

2.The petitioner is the defendant in O.S.No.37 of 2017. The respondent/ plaintiff filed a suit for recovery of money to the tune of Rs.15 lakhs. After completion of chief and cross examination of P.W.1, the petitioner filed an interlocutory application in I.A.No.1 of 2020 under Order 8 Rule 9 and Section 151 of CPC for filing additional written statement with regard to the subsequent developments happened in between the plaintiff and the defendant. The said application was rejected by the trial Court. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that after filing suit, there was a discussion between the petitioner/defendant and the plaintiff's father with regard to loan transaction. Apart from that the plaintiff's father entered into compromise with the petitioner requesting the petitioner to pay a sum of Rs.3.5 lakhs to him and that amount was paid to the plaintiff's father. Further, he would submit that the Advocate appeared on behalf of the plaintiff failed to pay the said amount to the plaintiff's father. In this regard, a complaint was also preferred by the petitioner before the Law Enforcing Agency in Crime No.579 of 2017. However, the petitioner failed to intimate



C.R..P.(PD)(MD).No.1683 of 2021

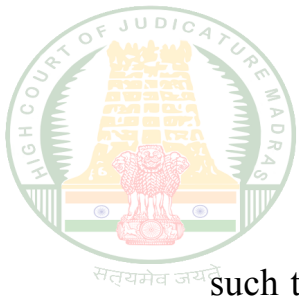
WEB COPY

all these things to the learned counsel appearing on his behalf. Hence, the petitioner seeks to file an additional written statement by enclosing all these facts. However, the trial Court has rejected the same. Hence, he filed the present petition.

4.Per contra, the learned counsel for the respondent submits that the subsequent developments happened in between the petitioner and the plaintiff's father will not be binding on the plaintiff. Further, the averments made in the affidavit filed in support of the interlocutory application are only hearsay and on that basis alone, the written statement is sought to be filed by the petitioner under Order 8 Rule 9 of CPC and the same shall not be accepted.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.Order 8 Rule 9 of CPC mandates that 'no pleadings subsequent to the written statement of a defendant other than by way of defence to a set-off or counter-claim shall be presented except by the leave of the Court and upon



C.R..P.(PD)(MD).No.1683 of 2021

WEB COPY

such terms as the Court thinks fit. In the present case, all the the allegations made in the interlocutory application appear to be an afterthought. Further, in the situation narrated by the petitioner, the respondent /plaintiff is not party and hence, the said that event is not binding on him. It is also to be noted that the present application is filed after completion of plaintiff's side evidence and the same is impermissible. The trial Court has rightly appreciated all these issues and dismissed the application filed by the petitioner and the same need not be interfered with.

7. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

16.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ta



C.R..P.(PD)(MD).No.1683 of 2021

WEB COPY

To

- 1.The Additional District Court (FTC), Tenkasi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R..P.(PD)(MD).No.1683 of 2021

M.DHANDAPANI,J.

ta

C.R.P.(PD)(MD)No.1683 of 2021

16.06.2025