



CRP(MD). No.2462 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/09/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2462 of 2025

D.Arulvas

... Petitioner / Defendant

Vs

S.Peppivas,
W/o. Santhakumar Koraira,
D.No.370-G,
South Cotton Road,
Thoothukudi District.

... Respondent / Plaintiff

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the order dated 10.07.2025 in IA No.5 of 2025 in OS No.74 of 2018 on the file of the II Additional District Judge, Thoothukudi.

For Petitioner : Mr. V.Rajiv Rufus,
Advocate.

ORDER

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This Civil Revision Petition is filed to set aside the order dated 10.07.2025 in IA No.5 of 2025 in OS No.74 of 2018 on the file of the II Additional District Judge, Thoothukudi.

2. Learned counsel for the petitioner would submit that the respondent had instituted a suit against him for recovery of money together with future interest. At the time of filing the written statement, certain documents are with the custody of the wife, was not brought to his knowledge. It had come to his knowledge only during the time when evidence was being adduced on his side. He would submit that the above omission is due to inadvertence and therefore it had become necessitated to file an additional written statement bringing forth the facts which have been failed to have been pleaded in the written statement. Hence he had filed an application for filing additional written statement. He would further submit that the trial Court without considering the same, had dismissed the application. He would submit that the petitioner's wife was cheated of a sum of Rs.16,90,000/- by a third party which has necessitated to substantiate his case, with respect to the non payment of



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the amount. Therefore, he prays this Court to set aside the order and direct the additional written statement to be received by the trial Court.

3. This Court has considered the submissions made by the learned counsel for the petitioner. In the written statement filed, the petitioner had admitted to received a loan of Rs.1 Lakh by handing over blank promissory note to the plaintiff and the said amount has also been returned. However, misusing the blank pro-notes, the present suit had been initiated. The new facts that sought to be introduced by way of additional written statement, is with regard to the fraud that had been committed upon his wife by a third party. Even assuming that there is a defraud and that had been committed on the wife by a third party, the petitioner had not substantiated how such defraud would enure to his benefit to deny the claim of the plaintiff. Further as rightly held by the Court below, such a fresh pleading which is not only contrary to the earlier written statement but also mutually destructive of the written statement earlier filed. This Court does not find any merits in this Civil Revision Petition.

4. Accordingly, this Civil Revision Petition stands dismissed. No



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costs. Consequently, connected miscellaneous petition stands closed.

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10.09.2025

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

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TO

1. The II Additional District Judge, Thoothukudi.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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K.KUMARESH BABU, J.

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ORDER
IN
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