



C.R.P(MD)No.2427 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2427 of 2025

and

C.M.P(MD)No.14576 of 2025

Jeyachandra Pandiyan,
Proprietor of Kutti Beedi,
D.No.1/169, Ammankovil Street,
Keelapattamudaiyarpuram,
Alangulam,
Tirunelveli.

... Petitioner

Vs.

M/s.Seyadu Beedi Company,
Through its Shareholder,
N.Seyadu Abdul Karim,
S/o.T.E.S.Nainamohammed,
Represented through his General Power of Attorney,
S.Perumal.

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to set aside the fair and decreetal order passed in I.A.No.10 of 2025 in O.S.No.78 of 2020, dated 22.07.2025 on the file of the Principal District Court, Tirunelveli and allow the above Civil Revision Petition.



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For Petitioner : Mr.S.Kumar

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ORDER

The instant revision petition has been filed as being aggrieved against the order made in the interlocutory application, wherein the claim of the petitioner to receive the additional written statement had been negatived.

2. The learned Counsel appearing for the petitioner would contend that the respondent / plaintiff had filed a suit for a permanent injunction restraining the petitioner from using deceptively similar wrappers and labels of his brand. He would further contend that the suit was taken up for trial on 02.01.2025 and P.W.1 had examined himself in chief and posted for cross-examination. At that point of time, it had come to his knowledge that, certain issues have not been answered in his written statement to the plaint filed by the respondent. Hence, immediately he had taken out an application for seeking to receive an additional written statement and that the provisions of Civil Procedure Code does not prohibit filing of additional written statement after the commencement of



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trial and the same can be filed at any stage. He would further submit that the Trial Court without considering the right of the petitioner to substantiate his case by filing additional written statement, had dismissed the application, as it only protract for prolong the proceedings. Such a finding given by the Trial Court according to him is erroneous and therefore, he seeks interference with the orders passed by the Court below.

3. I have carefully considered the submissions made by the learned Counsel appearing for the petitioner.

4. Admittedly, in a suit instituted in the year 2020, the petitioner herein had filed his written statement on 26.07.2024, after which issues were framed and the trial had commenced. There has been no averment in the affidavit filed in support of the application for filing additional written statement as to why there was a negligence on the part of the petitioner to not plead the averments which he seeks to introduce through the additional written statement. He had in a casual manner averred that certain information had been left out without assigning any reason



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whatsoever as to how such an information was left out or that he was not within the knowledge of such information at the time of filing the written statement. That apart, after the chief examination of P.W.1, the present additional written statement is sought to be introduced, which this Court is of the view is only to fill up the lacuna that had crept in the case of the petition. The Court below had rightly considered the facts and had rejected his petition for amendment. This Court finds no reason to interfere with the well considered fair and decreetal order passed by the Trial Court impugned in this revision. In fine, this Civil Revision Petition fails and it accordingly, dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.09.2025

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

To

The Principal District Court,
Tirunelveli.



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K.KUMARESH BABU, J.

BTR

Order made in
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03.09.2025