



CRP(MD). No.2566 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.09.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**C.R.P(MD). No.2566 of 2025
and
CMP(MD)No.15170 of 2025**

P.Koyilan @ Kumaresan

... Petitioner

Vs.

1. P.Shanmugavalli
2. Athilakshmi
3. P.Packiyalakshmi
4. Valarmathi
5. C.Kavitha
6. C.Sangeetha
7. C.Ajithkuma

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the impugned fair and decretal order passed in I.A. No.1 of 2025 in O.S. No.280 of 2020 dated 21.07.2025 on the file of the Vth Additional District Court, Madurai by allowing this Civil Revision Petition.

For Petitioner : Mr.R. Iyappan



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ORDER

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The instant civil revision petition has been filed to set aside the fair and decreetal order dated 21.07.2025 in I.A. No.1 of 2025 in O.S. No.280 of 2020 on the file of the Vth Additional District Judge, Madurai.

2. The learned counsel for the petitioner submits that the respondents 1 to 3 herein had filed a suit for a relief of declaration, declaring that the Will with regard to A schedule property is valid and for parititon of B schedule property. He further submits that originally the petitioner had filed a written statement disputing the Will as also the claim for partition. However, now the petitioner had taken out an additional written statment contending that suit for partial partition is not maintainable, based on subsequent facts, which came to light and also submits that the Courts below had failed to consider the application of the petitioner on its merits and dismissed the same solely on the ground that the suit was posted for defendant's evidence. Therefore, he seeks indulgence of this Court to set aside the order passed by the Court below and accept the additional written statement filed by the petitioner.



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3. I have considered the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

4. Admittedly, the trial had commenced and the plaintiffs have let in evidence. Only after the evidence on the side of the plaintiffs had been completed, the petitioner had preferred an application to receive the additional written statement. It may be true that the additional written statement can be taken on file at any stage. Having filed a written statement denying the claims made by the plaintiffs, the petitioner now seeks to file additional written statement.

5. A perusal of the additional written statement would disclose that the petitioner had taken a mutually, inconsistent plea. No reasons have been attributed to satisfy the Court as to the delay in seeking to file additional written statement.

6. In such view of the matter, this Court finds no infirmity in the order impugned in this revision and accordingly, this Civil Revision



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Petition stands dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

22.09.2025

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

TO

- 1.The Vth Additional District Judge,
Madurai.
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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