



CRP(MD). No.2466 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.2466 of 2025

Vinoth Kumar

... Petitioner

Vs

Nagarajan,
S/o.R.V.Venkatasamy,
D.No.245/c, Main Road, Kumaramangalam,
Matur Post, Kulathur Taluk,
Pudukottai District.

... Respondent

PRAYER :-

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside order dated 23.06.2025 made in I.A.No.3/2024 in O.S.No.209/2018 on the file the III Additional District Judge, Tiruchirappalli.

For Petitioner : Jegan M,
Advocate.



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ORDER

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This Civil Revision Petition is filed to set aside order dated 23.06.2025 made in I.A.No.3/2024 in O.S.No.209/2018 on the file the III Additional District Judge, Tiruchirappalli.

2. Learned counsel for the petitioner would submit that the respondent herein had instituted a suit for recovery of money and due to his medical condition he was not able to file a written statement in time and was set *ex parte*. Thereafter, along with the written statement, he has also taken out an application to file additional written statement raising the said averments. However without considering the facts of the case, the Court below has rejected the claim by holding that an attempt is being made after the filing of proof affidavit. He would further submit that the petitioner in his written statement had specifically contended that the amount and the pro-note had been already paid by him. However, the suit had been filed by a third party to whom the suit pro-note has not been executed. Therefore, it became necessary that the present application in the suit, to be allowed and the petitioner be permitted to file an additional written statement.



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3. This Court has considered the submissions of the learned counsel for the petitioner and perused the materials available on record.

4. In a suit for recovery of money filed by the respondent, the petitioner had filed a written statement admitting to have received a sum even though lower than the suit value from one Velu by signing blank pro-note and stamp papers and also issuing blank cheques. The suit amount is also claimed to have been paid by him. However, the said Velu had failed to hand over the blank documents executed by the petitioner. It is the claim of the petitioner that he had not received any money from the respondent / plaintiff. Having filed such a written statement, there is no necessity for the petitioner to attack the financial capability of the plaintiff. He has to substantiate this case on the strength of the written statement and he substantiates the case that there is no transaction with the respondent / plaintiff then he would automatically entitled to succeed.



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5. For the aforesaid reasons, I do not find any error in the order impugned herein which requires interference of this Court. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

10.09.2025

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

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TO

1. III Additional District Judge, Tiruchirappalli.
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
CRP(MD) No.2466 of 2025

Date : 10/09/2025