



CRP(MD). No.2586 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2586 of 2022
and CMP(MD) No.12694 of 2022**

M/s.Sterling Holiday Resorts (India) Limited
Through its VP Legal S.Ramesh
A Public Limited Company
(incorporated under the provisions Act, 1956)
Purva Primus, 4th floor, 236 Okihyampettai
Old Mahabalipuram Road, Thoraipakkam
Chennai.

... Petitioner

Vs

Vasanthi

... Respondent

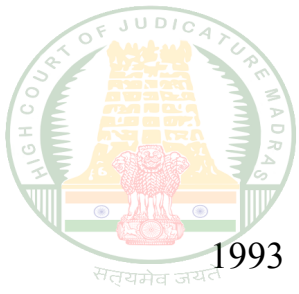
PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to the impugned fair and decreetal orders dated 10.10.2022 passed in I.A. No. 59 of 2022 in O.S. No. 155 of 1993 on the file of the District Munsif cum Judicial Magistrate No.1 Court, Kodaikanal, Dindigul District and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.V.S.Kishorekumar

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 10.10.2022 passed in I.A. No. 59 of 2022 in O.S. No. 155 of



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1993 on the file of the District Munsif cum Judicial Magistrate No.1
Court, Kodaikanal, Dindigul District.

2. The petitioner is the plaintiff in OS No.155/1993 and during trial, the defendant filed IA No.59/2022 under Order VIII Rule 9 of the Code of Civil Procedure to receive additional written statement and the same was allowed on 10.10.2022. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that already the very same respondent/defendant filed a petition for the very same relief and the same was dismissed. However, it is the third application, which was allowed for the very same prayer of receiving additional written statement and the same is barred by limitation. Hence, he prays for interference.

4. Per contra, the learned counsel for the respondent would submit that it is the right of the parties to receive additional written statement under Order VIII Rule 9 of the Code. As per Order VIII Rule 9, no

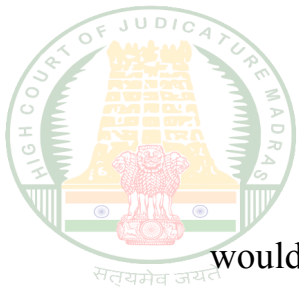


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pleading subsequent to the written statement of a defendant other than by way of defence to set off or counter claim shall be presented except by the leave of the Court and upon such terms as the Court thinks fit and the Court may at any time require a written statement or additional written statement from any of the parties and fix a time of not more than thirty days for presenting the same and when such a discretion is available, the trial Court, after considering all those provisions, had rightly allowed the petition, which does not warrant interference, according to the respondent.

5. I have considered the rival submissions and perused the materials available on record.

6. The suit is of the year 1993 and an application was filed for receiving additional written statement in the year 2022 and the said petition was allowed. As per Order VIII Rule 9 of the Code, since no pleading subsequent to the filing of the written statement of a defendant be made without leave of the Court, the defendant rightly filed an application for receiving additional written statement. Since no prejudice

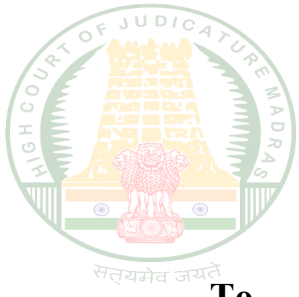


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would be caused to the petitioner/plaintiff in allowing such an application for receiving additional written statement, the challenge made to the order of the trial Court is not sustainable. Merely because the earlier application was dismissed, it does not mean that the said application has to be necessarily dismissed. It is for the trial Court to decide the same and in order to determine the issue, the trial Court can direct the parties to file appropriate application and hence, no prejudice would be caused to the parties. The petitioner can very well canvas all the points at the time of trial. For all these reasons, the order passed by the trial Court need not be interfered with. Accordingly, the Civil Revision Petition is dismissed. At this juncture, the learned counsel prays for early disposal of the suit. Since the suit is of the year 1998, the trial Court shall dispose the suit within a period of three months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

25.08.2025

NCC : Yes/No
Index : Yes/No
RR



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To

1.The District Munsif cum Judicial Magistrate No.1 Court, Kodaikanal,
Dindigul District

2.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
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Date : 25/08/2025