



C.R.P.(MD) No.3256 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3256 of 2025

and

CMP(MD) Nos.17948 and 19521 of 2025

Vasanthi

... Petitioner

Vs

M/S.Sterling Holiday Resorts Limited,
represented by its Deputy Legal Manager,
registered Office at
154, Eldams Road, Teynampet,
Chennai 18.

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition by setting aside the fair and decreetal order passed in I.A.No.3 of 2025 in O.S.No.155 of 1993 on the file of the District Munsif cum Judicial Magistrate No.1, Kodaikanal, dated 22.10.2025.

For Petitioner : Mr.H.Arumugam for
Mr.V.S.Kishok Kumar

For Respondent : Mr.AR.Sundaresan Senior Counsel for
Mr.Shivakumar

ORDER

This Civil Revision Petition has been filed challenging the order passed in I.A.No.3 of 2025 in O.S.No.155 of 1993 on the file of the learned District



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Munsif cum Judicial Magistrate No.1, Kodaikanal, dated 22.10.2025.

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2.The respondent/plaintiff has filed a suit in O.S.No.155 of 1993 on the file of the learned District Munsif cum Judicial Magistrate No.1, Kodaikanal, seeking for the relief of declaration along with other reliefs. Pending suit, the petitioner/first defendant has filed an application in I.A.No.3 of 2025 to frame an additional issue of *res judicata* and other issues. The trial Court, vide order dated 22.10.2025, had dismissed the said application. Challenging the same, the petitioner is before this Court.

3.Today, when the matter is taken up for hearing, the learned Senior Counsel appearing for the respondent would submit that he has no objection for framing of additional issues, inasmuch as the same are not tried as preliminary issues. He would further submit that in an earlier round of litigation, this Court in CRP(MD) No.2586 of 2022 (***M/S.Sterling Holiday Resorts (India) Limited Vs. Vasanthi***), dated 25.08.2025 had passed the following order:-

“ 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 would be caused to the



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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. ”

4. Recording the submission of the learned Senior Counsel for the respondent, this Civil Revision Petition stands disposed of with a direction to the trial Court to frame additional main issues, if necessary and conclude the trial, keeping in mind of the order referred supra, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.



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Speaking

: Yes / No

NCC

: Yes / No

Internet

: Yes / No

Index

: Yes / No

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To

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

N.SENTHILKUMAR, J.

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The matter is listed today under the caption 'for being mentioned', at the instance of the learned counsel for the petitioner.

2.The learned counsel for the petitioner would submit that since the respondent has no objection for framing of additional issues, the word, '**if necessary**' finds place in para No.4 of the order made in CRP(MD) No.3256 of 2025, dated 17.12.2025, may be deleted.

3.In view of the submission made by the learned counsel for the petitioner, Registry is directed to replace para No.4 of the order made in CRP(MD) No.3256 of 2025, dated 17.12.2025 as follows and issue fresh order copy to the parties concerned today itself.

“4.Recording the submission of the learned Senior Counsel for the respondent, this Civil Revision Petition stands disposed of with a direction to the trial Court to frame additional main issues and conclude the trial, keeping in mind of the order referred supra, within a period of three months from the date of receipt of a copy of this order.



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No costs. Consequently, connected Miscellaneous Petitions are closed.”

19.01.2026

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Note : Issue order copy on 19.01.2026

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