



WEB COPY

CRP No. 262 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 262 of 2024
and CMP.No.1249 of 2024**

Jesuraj Santiago
S/o. K.E. Santiago, No.5B, P.J. Apartment,
Chakarapani Road, Guindy, Chennai 32.

..Petitioner(s)

Vs

1. Kumaran
S/o (late) Mr. Appadurai, Bajanai Koil St,
tharumanihdi Village, Arakkonam Tk, Vellore
Dt. V. Venkatesan @ V. Venkatesalur (Died)
2. V. Adhilakshmi
W/o. Venkatesan, No.63, Ramar Koil St,
Tharumanihdi Village, Arakkonam Tk, Ranipet
Dt.
3. V. Gajendran
S/o. Venkatesan, No.63, Ramar Koil St,
Tharumanihdi Village,
Arakkonam Tk, Ranipet Dt.
4. V. Settu
S/o. Venkatesan, No.63, Ramar Koil St,
Tharumanihdi Village,
Arakkonam Tk, Ranipet Dt.
5. V. Sekar
S/o. Venkatesan, No.63, Ramar Koil St,
Tharumanihdi Village,
Arakkonam Tk, Ranipet Dt.
6. V. Kavitha Sundaramoorthy
D/o. Venkatesan, Krishna Nagar St, Ayarpadi
Village, Arakkonam Tk, Ranipet Dt

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order passed by the learned Subordinate Judge, Arakkonam in IA No.6 of 2022 in OS No.132 of 2018 dated 15.09.2023.

For Petitioner(s): MR.S.Sathia Chandran
For Respondent(s): RESPONDENTS -BATTU DUE

ORDER

Challenging the impugned order passed by the Trial Judge in IA No.6 of 2022 in OS No.132 of 2018, dated 15.09.2023, the present revision has been filed.

2. Before the Trial Court, the plaintiff filed I.A.No.6 of 2022, seeking permission to file a rejoinder to the written statement filed by the 7th defendant. However, the said application was dismissed by the Trial Judge. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the revision petitioner submitted that, after impleading the 7th defendant as the legal heir of the deceased 1st defendant, the 7th defendant filed a written statement containing new averments. Therefore, the plaintiff sought permission to file a rejoinder to reply to the said averments. However, the Court below failed to grant such opportunity.



4. Considering the submissions made and on a perusal of the records, it is seen that the 1st defendant died pending proceedings and thereafter his legal heir, namely the 7th defendant, was impleaded. After impleadment, the 7th defendant filed a written statement containing new averments.

5. According to the plaintiff, it has become necessary to file a rejoinder to specifically deny and reply to the allegations made in the written statement filed by the 7th defendant. The plaintiff is entitled to deny the allegations levelled by each of the defendants separately. Therefore, an opportunity ought to have been granted to the plaintiff to file the rejoinder.

6. However, the Trial Court failed to grant such opportunity. Hence, the findings of the Trial Court are set aside and the Civil Revision Petition is allowed. No. Costs. Connected miscellaneous petition is closed.

28-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPA



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T.V.THAMILSELVI, J.

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To

1. The Subordinate Judge, Arakkonam.
2. The Section Officer, VR section,
High Court of Madras.

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28-04-2026