



C.R.P.No.472 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.472 of 2026
and
C.M.P.No.2620 of 2026

Dhanapal

... Petitioner

vs.

Kamala (Died)

1.Kala

2.Thangaraj

3.Ramyapriya

4.Kanagavalli

5.Chitra

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree dated 28.11.2025 in I.A.No.05 of 2025 in O.S.No.147 of 2016 on the file of District Munsif, Sholinghur, Ranipet District, by allowing the present Civil Revision Petition.

For Petitioner : Mr.A.Gouthaman



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the District Munsif, Sholinghur, Ranipet District in I.A.No.05 of 2025 in O.S.No.147 of 2016, dated 28.11.2025 dismissing the application filed by the petitioner/1st defendant seeking leave to file additional written statement.

2. The respondents 1 to 3 herein filed a suit seeking partition and separate possession. The petitioner/1st defendant already filed a written statement, wherein he had pleaded that there was a Oral Partition in the year 1974 between the legal heirs of the deceased Ponnusamy and his son and under the said partition, the suit schedule properties were allotted to him. Now, the instant application has been filed by the petitioner seeking leave to file additional written statement.

3. In the affidavit filed in support of the petition, it was stated by the petitioner that in the original statement without his knowledge, certain facts were introduced regarding partition in the year 1974 and allotment of share in favour of the petitioner and therefore, to clarify the position that there was



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no partition in the year 1974, the petitioner wanted to file additional written statement. The said application was dismissed by the Trial Court and aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would vehemently contend that the plea regarding Oral Partition in the year 1974 was introduced by previous counsel without consent of the petitioner. Therefore, to clarify that position, the petitioner may be permitted to file an additional written statement.

5. Earlier, the petitioner filed written statement pleading 1974 Partition and allotment of share in his favour. Now, by way of additional written statement, he wants to take diametrically opposite plea by pleading that there was no Partition in the year 1974. The plea sought to be introduced by way of additional written statement is mutually destructive in nature and by virtue of additional written statement, the petitioner effectively wants to withdraw his earlier pleadings.

6. It is settled law that additional written statement to introduce a plea which is mutually destructive with earlier plea cannot be accepted.



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Further, the reason given by the petitioner to file additional written statement also cannot be accepted.

7. The petitioner verified the earlier written statement and affixed his signature. In such circumstances, he cannot say that without his knowledge, certain averments were made in the written statement by the previous counsel. Such stand taken by the petitioner will defeat the very sanctity and the object of the pleadings. Therefore, I do not find any error in the impugned order passed by the District Munsif, Sholinghur, Ranipet District in I.A.No.05 of 2025 in O.S.No.147 of 2016, dated 28.11.2025.

8. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

05.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

The District Munsif,
Sholinghur, Ranipet District.



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S.SOUNTHAR, J.

dm

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