



WEB COPY

CRP No. 486 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

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

CRP No. 486 of 2025

AND

CMP NO. 2810 OF 2025

1. S.Rajendiran
S/o.Late C.Govindaraj,
Guttappanaikkanoor Village,
Venkattasamudiram Post, Bargur Tk.,
Krishnagiri Dist.
2. Santhi
W/o.Late C.Govindaraj,
Guttappanaikkanoor Village,
Venkattasamudiram Post, Bargur Tk.,
Krishnagiri Dist.
3. G.Ashok Kumar
S/o.Late C.Govindaraj,
Guttappanaikkanoor Village,
Venkattasamudiram Post, Bargur Tk.,
Krishnagiri Dist.
4. G.Sathish Kumar
S/o.Late C.Govindaraj,
Guttappanaikkanoor Village,
Venkattasamudiram Post, Bargur Tk.,
Krishnagiri Dist.
5. G.Hemaraj
S/o.Late C.Govindaraj,
Guttappanaikkanoor Village,
Venkattasamudiram Post, Bargur Tk.,
Krishnagiri Dist.
6. C.Saravanan
S/o.Late C.Govindaraj,
Guttappanaikkanoor Village,
Venkattasamudiram Post, Bargur Tk.,



Krishnagiri Dist.

7. C.Visalakshmi
D/o.Late Chinnappa,
W/o.Late Chinnasam,
Veeramalai Village and Post,
Pochampalli Tk., Krishnagiri Dist.

..Petitioner(s)

Vs

Boopathy (died),

1. R.Dhanalakshmi
W/o.Late Boopathy,
Guttappanikkanoor Village, Venkatasamudiram
Post Tk., Bargur Town and Tk., Krishnagiri
Dist.
2. B.Balachandran
W/o.Late Boopathy,
Guttappanikkanoor Village, Venkatasamudiram
Post Tk., Bargur Town and Tk., Krishnagiri
Dist.
3. Vimala Ezhilarasi
W/o.G.Anbalagan,
D/o.Late Boopathy,
Poosinayakanoor Village,
Batalapalli Post, Bargur Tk., Krishnagiri Dist.
4. B.Sumathi
W/o.Kanthamuthu,
D/o.Late Boopathy,
Kappalvadi Village,
Venkatasamudhram Post, Bargur Tk.,
Krishnagiri Dist.
5. B.Paranthaman
W/o.Late Boopathy,
Guttappanikkanoor Village,
Venkatasamudiram Post Tk., Bargur Town and



Tk., Krishnagiri Dist. C.Vijaya (died).

C.Vijaya (Died)

6. C.Valli

D/o.Late Chinnappa Naidu,
W/o.Late Vasu, 290/15 Shri Lakshmi
Nilaya,3rd Main Road, 5th A Cross,
Jakkasandira, Koramangala Post, Bangalore,
Karnataka.

7. S.Palani

S/o.Srinivasan,
G.Nagamangalam Village,
Kondappanayanapalli Post, Bargur Tk.,
Krishnagiri Dist.

8. S.Bharathi

W/o.Late Chandran,
Masthikannur Village, Kondappanayanapalli
Post, Bargur Tk., Krishnagiri Dist.

9. S.Thenmozhi

W/o. Velayudam,
Oolapatty Village and Post,
Pochampalli Tk and Dist.

10.S.Sujatha

Kammakalapathy Village,
Nagarasampatty Post, Pochampalli Tk.,
Krishnagiri Dist.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order dated 12-09-2024 passed in OS.No.56/2018 pending on the file of the Additional District Court, Krishnagiri.

For Petitioner(s): Mr.T.S.Baskaran

For Respondent(s): Mr.R.Poornima
For R1, R2, R4 & R5
R7 - addressee Moved



R10 - Left

R8 - Tapal Not Yet Returned Either Served Or Unserved

No Appearance for R6 & R9

ORDER

Challenging the docket order passed in O.S. No.56 of 2018 dated 12.09.2024 on the file of the Additional District Court, Krishnagiri, the defendants 1 to 7 have preferred this revision petition.

2. Before the trial court, after impleading parties, the defendants have filed additional written statement. But the Court is not inclined to receive additional written statement stating that only respondents 1 to 7 are permitted to be added, but they were not given any permission to file additional written statement, since already IA No.8 of 2021, which was filed by the defendants, was dismissed and the same was not challenged. Aggrieved over the said docket order, the defendants have preferred this present revision petition.

3. The learned counsel for the plaintiffs / respondents submits that already the defendants filed an application in IA No.8 of 2021 to receive additional written statement. That was not permitted. Thereafter, one of the defendants died and his legal heirs were impleaded. After that they filed the same defence by filing additional written statement which cannot be entertained. Therefore, the observation made by the trial judge requires no interference.



4. The fact reveals that the suit is of the year 2018 and OS No.56 of 2018 was filed by the plaintiffs for the relief of partition. The defendants 1 to 8 filed written statement and thereafter, they filed application to receive additional written statement in IA No.8 of 2021, but it was not permitted. The said dismissal order was not challenged. Pending proceedings, one of the defendants Govindaraj died and thereafter, his legal heirs were impleaded. After impleading the legal heirs, they filed additional written statement, but the Court declined to receive additional written statement.

5. Admittedly, the earlier application to receive the additional written statement was not considered by the trial judge. But before the trial court, the parties have to be given one more opportunity to prove their defence. As discussed above, so far the trial has not begun. The trial judge ought to have received the additional written statement. But the trial court failed. Now, after impleading newly added parties, they want to file their additional written statement which can be permitted but the Court below again refused to receive. The suit is for partition, all the parties are deemed to be plaintiffs. So everybody has to given fair opportunity to prove their defence. Therefore, the order of the trial judge is set aside and the trial judge is directed to receive the additional written statement filed by the newly added parties. Liberty is granted to the plaintiffs to file reply statement and thereafter the court below can proceed with the trial.



6. This Civil Revision Petition is allowed and the order dated 12-09-2024 passed in OS.No.56/2018 pending on the file of the Additional District Court, Krishnagiri is set aside. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27-03-2026

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

MTL

To

1. The Additional District Court, Krishnagiri.



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T.V.THAMILSELVI J.

MTL

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