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CRP.No.922 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.922 of 2026 and

CMP.No. 4918 of 2026

1.Pavayee

2.Sivaprakasam

... Petitioners

Vs.

Bakkialakshmi

...Respondent

PRAYER :Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order passed by the Additional District Court, Attur, dated 23.01.2025 made in I.A.No.1 of 2025 in O.S.No.367 of 2022.

For Petitioners

: Mr.T.Gowthaman
Senior Advocate
for B.Pachaiyappan

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner seeking leave to file additional written statement.



2. The respondent herein filed a suit for partition against the petitioners.

The respondent is the daughter of the first petitioner and sister of the second petitioner. According to the respondent, the suit properties are ancestral properties of her father Sundara Goundar and she claimed 1/3rd share in the subject property by filing the present suit. The petitioners herein filed a written statement and resisted the suit on the ground that the suit properties were not ancestral properties. It was also stated that even during lifetime of Sundara Goundar, he executed a settlement deed in favour of plaintiff on 29.05.2002 settling certain properties in her favour. After death of Sundara Goundar, the remaining properties were orally partitioned between the petitioners 1 and 2 and based on the oral partition memorandum of family arrangement was prepared on 04.01.2004. Therefore, according to the petitioners, the respondent has no right over the suit properties. The petitioners also raised a plea of ouster and stated that the suit prayer for partition was barred by limitation. The suit is at the stage of cross examination of PW.1. At this Stage, the present application has been filed by the petitioners seeking permission of the Court to file additional written statement.



CRP.No.922 of 2025

3. A perusal of the additional written statement filed by the petitioners would indicate that they simply reiterated the earlier pleadings raised in the main written statement. In the affidavit filed in support of the petition seeking leave of the Court to file additional written statement, the petitioners have not mentioned any specific new plea to be raised in the additional written statement. The trial Court by comparing the original written statement and additional written statement rightly came to the conclusion that the petitioners have not raised any new plea and therefore, filing of an additional written statement just reiterating the earlier plea is not at all necessary.

4. I do not find any error in the impugned order. Accordingly, this Civil Revision Petition stands dismissed. No costs.

24.02.2026

Index : Yes / No

Internet : Yes / No

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To

The Additional District Court,

Attur.

3/4



WEB COPY



CRP.No.922 of 2026

S.SOUNTHAR, J.

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24.02.2026