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C.R.P.No.895 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.02.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.895 of 2023
and CMP.No.6702 of 2023

1.Selvananthan
2.Rayer Padaiyatchi

... Petitioners

vs.

Hemalatha

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal orders dated 14.11.2022 passed in I.A.No.300 of 2022 in O.S.No.94 of 2008 on the file of the Principal District Munsif's Court, Viridhachalam.

For Petitioners : Mr.T.Sezhian
For Respondent :Ms.V.Suguna
for M/s.C.Munusamy

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 seeking declaration of title and permanent injunction in respect of the suit property. The petitioners/defendants already filed a written statement, after completion of trial, the suit was decreed on merits and aggrieved by the same, the petitioner preferred a first appeal before the First Appellate Court in A.S.No.71 of 2019. The First Appellate Court set aside the judgment of the trial and remanded matter back to the file of trial Court with direction to give fair chance of both the parties to lead evidence. Thereafter, the application has been filed by the petitioner/defendant seeking leave to file additional written statement.

3. It is the case of the petitioner though the extent of the suit property in S.No.12/14 has been mentioned as 1 acre in the 'A' register and Chitta, the original extent of suit property available on ground is only 91 cents. In order to mention the same, the petitioner filed additional written statement. The said application was dismissed by the trial Court on the ground that the petitioners cannot change the extent of the property by way of additional written statement at a belated stage after remand order.

4. The learned counsel appearing for the petitioner would submit that already the petitioner filed revenue documents to show shortage of the property extent. However, the same has not been mentioned in the



pleadings. Therefore, the petitioners may be permitted to file additional typed set of papers.

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5. As mentioned earlier, the petition for filing additional written statement has been filed after remand by the First Appellate Court. In the impugned order it was observed that as per remand order passed by First Appellate Court, the trial Court has been directed to dispose of the matter after affording opportunities to the parties to lead further evidence. In the absence of specific leave by First Appellate Court in the remand order, the parties are not entitled to file additional pleadings. Therefore, petitioners are not entitled to file additional written statement at this belated stage after remand order by the First Appellate Court. The prayer sought for by the petitioner will go beyond the scope of the remand order.

6. I do not find any error in the impugned order passed by the trial Court, accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

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To

The Principal District Munsif's Court,
Viridhachalam.

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