



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1619 of 2026

and

CMP.No.7590 of 2026

1. Y.Shanmugavadivu
W/o.Yuvaraj, D.NO.4/353-1,
Nettaiyampalayam, Konthalam Post,
Peramathi Velu Tk, Namakkal Dist
Temporarily res.at D.Nos.76,78,
Nadpalayam Main Street,
Vellottamparappu Post, Punjai Kolanalli
Village, Erode Tk, Erode Dist.

Petitioner(s)

Vs

1. Parameshwari
W/o.Muthukumar, D.No.4/7, Periya
Vettukarar Santhu, Adakku
Puthupalayam Post, Vengampur
Village, Kodumudi Tk, Erode Dist.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the fair and final order dated 22.1.2026 passed in IA.No.3/2025 in OS.No.193/2020 on the file of II Additional District Court, Erode and allow the CRP.

For Petitioner(s): Mr.S.Kaithamalai Kumaran

For Respondent(s):



ORDER

The plaintiff filed an application before the trial court to receive a reply statement under Order VIII Rule 9 and Section 151 of CPC in I.A. No. 3 of 2025 in O.S.No.193 of 2020. The said application was dismissed by the learned trial judge on the ground that the suit is more than five years old and that the application was filed belatedly, nearly four years and ten months after the filing of the written statement. Hence, the court held that such an application is not permissible.

2. The learned counsel for the petitioner submitted that there was no Presiding Officer in the court earlier, and only after the assumption of office by the present officer, the application was filed to receive the reply statement before the commencement of trial. He further submitted that there was no wilful default on the part of the petitioner and that the court failed to provide an opportunity.

3. On a perusal of the records, it is seen that the suit was filed in the year 2020 and the trial has not yet commenced. The petitioner now seeks to file a reply statement to deny the allegations made in the written statement, which was filed four years ago. Since the trial has not commenced, both parties must be given an opportunity to put forth their pleadings.



4. Therefore, the findings of the court below are set aside. The application in I.A. No. 3 of 2025 in O.S.No.193 of 2020, on the file of the II Additional District Court, Erode, is allowed. The plaintiff is permitted to file a reply statement. Liberty is also granted to the defendant to file an additional written statement, if required.

5. Accordingly, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

10-04-2026

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

1. Parameshwari
W/o. Muthukumar, D.No.4/7, Periya
Vettukarar Santhu, Adakku
Puthupalayam Post, Vengampur
Village, Kodumudi Tk, Erode Dist.
2. The II Additional District Court,
Erode.
3. The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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