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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP NO. 3792 OF 2026

CNR:{HCMA011313132026}

And

CMP NOs. 28118 and 16446 OF 2026

Sivakumar
S/o. Sengoda Gounder

..Petitioner(s)

Vs

1. Amsaveni
   W/o.Selvaraj
2. Kanagambal
   W/o. Chandrasekar

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and Final order passed in IA No.01 of 2025 in OS No.520 of 2023 on the file of learned II Additional District Court, Erode dated 01.04.2026

For Petitioner (s): Mr.A.Sundara Vadhanan

For Respondent(s): Mr.Sanjay Gandhi for R1 and R2

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Order

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the order dated 01.04.2026 passed in IA No.01 of 2025 in OS No.520 of 2023 on the file of learned II Additional District Court, Erode, wherein the application filed by the petitioner /2nd defendant under Order VIII Rule 9 of CPC seeking to receive additional written statement, came to be dismissed by the Court below.

2. Heard the learned counsel appearing on either side and carefully perused the materials available on record as well as the order passed by the Court below.

3. The respondents are the plaintiffs, who filed the suit in OS No.520 of 2023 seeking for the relief of partition and permanent injunction. The petitioner, who is the 2nd defendant filed IA No.1 of 2025 under Order VIII Rule 9 of CPC seeking to receive additional written statement. The said application came to be dismissed by the Court below. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

4. The Court below dismissed the application mainly on the ground that the petitioner had already filed two additional written statements. This is the third additional written statement that is sought to be filed by the defendant. The Court below also found that even though the additional written statement was filed after the amendment of the plaint, the amendment pertained only to

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the valuation of the suit and whereas in the additional written statement, it touched upon various other facts and it did not pertain to the amendment that was allowed by the Court below. The order passed by the Court below does not suffer from any perversity warranting the interference of this Court. Already two additional written statements have been filed by the petitioner and the petitioner cannot be endlessly allowed to file one written statement after the other. If the stand already taken in the additional written statements requires explanation, the same can be done even at the time of giving evidence in line with the stand that has already been taken in the written statement and additional written statement. It does not require yet another additional written statement to be added.

5. In the result, the order passed by the Court below does not warrant the interference of this Court and accordingly the same is sustained and this Civil Revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

05-11-2026

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

RKA

TO

II Additional District Court, Erode

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N.ANAND VENKATESH J.

RKA

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