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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.7184 of 2026
and
C.M.P.No.30987 of 2026

CNR: {HCMA012452212026}

Case QR

1. P.S.Arunraj
   S/o.P.S.Selvaraj

2. P.S.Shobiya
   D/o.P.S.Selvaraj

..Petitioners

Vs

P.K.Subramaniam (Died)

1. P.S.Selvaraj,
   S/o.P.K.Subramaniam

2. P.S.Thangarasu,
   S/o.P.K.Subramaniam

3. T.Aarthi,
   D/o.S.Thangaraj

4. T.Sujithkumar,
   S/o.S.Thangaraj

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and (final) order dated 14.08.2026 made in I.A.No.5 of 2026 in O.S.No.86 of 2015 on the file of the II Additional District Court, Erode.

For Petitioners : Mr.N.S.Suganthan

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 14.08.2026 made in I.A.No.5 of 2026 in O.S.No.86 of 2015 on the file of the II Additional District Court, Erode, wherein the application filed by the petitioners/plaintiffs under Order VIII Rule 9 CPC to receive reply statement, came to be dismissed by the Court below.

2. Heard learned counsel for petitioners and carefully perused the materials available on record. This Court also went through the impugned order.

3. The petitioners are the plaintiffs, who filed the suit in O.S.No.86 of 2015 seeking the relief of partition and for allotment of 2/9th share in the suit property. The petitioners/plaintiffs filed I.A.No.5 of 2026 in O.S.No.86 of 2015 to grant leave to file a reply statement to the written statement filed by the respondents/defendants. This application came to be dismissed by the Court below. Aggrieved by the same, the present revision has been filed.

4. The Court below dismissed the application mainly on the ground that the written statement was filed by defendants 1 and 3 in the year 2015 and issues have been framed in the year 2016 and the case is pending for more than

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10 years without any progress. In view of the same, the Court below did not find any justification for entertaining the application.

5. The order passed by the Court below does not suffer from any perversity warranting the interference of this Court. Order VI Rule 1 CPC recognizes as pleadings only the plaint and written statement. There is no indication under Order VI CPC that reply statement also forms part of the pleadings. Therefore, there is no mandate on the part of the petitioners/plaintiffs to file a reply statement for a written statement filed by the respondents/defendants. *Ex consequentia*, non-filing of reply statement for a written statement does not result in the plaintiffs admitting those averments in the written statement. Denial of averment is contemplated under the code of civil procedure only till the stage of filing of written statement and not beyond that.

6. In regular practice, the averments made in a written statement are contested by putting appropriate questions to the witness during cross-examination, and thereafter, at the stage of final arguments. Since this safeguard is inherently available to the petitioners/plaintiffs, the filing of reply statement is not a strict necessity. This aspect must be considered by the trial court while dealing with the plaintiffs' stand on the assertions made in the written statement.

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N.ANAND VENKATESH, J.

gm

7. In the case in hand, the suit was filed in the year 2015 and the trial is yet to commence. Therefore, this Court is not inclined to interfere with the order passed by the Court below and the above observations will sufficiently take care of the interest of the petitioners/plaintiffs.

Accordingly, the impugned order is sustained and this civil revision petition is disposed of with a direction to the II Additional District Munsif, Erode, to dispose of the suit in O.S.No.86 of 2015 within a period of four (4) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18-11-2026

Index: Yes
Speaking order
Neutral Citation: Yes
gm

To
The II Additional District Munsif,
Erode.

Civil Revision Petition No.7184 of 2026

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