



WEB COPY

CRP No. 1093 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1093 of 2026
and CMP.No.5714 of 2026**

1. M.Janaki
2. R.Ravi
3. Poonkodi
4. Emili
5. Kumar
6. Nagajothy
7. Baby

..Petitioner(s)

Vs

Annammal (Deceased)

1. DILLIBABU

..Respondent(s)

Prayer: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking to set aside the Judgement and Decree dated 28.08.2025 in IA.No.10 of 2025 in OS.No.2353 of 2021 passed by the learned XIII Assistant Judge, City Civil Court, Chennai

For Petitioner(s): Mr.M.Velmurugan
For Respondent(s):

**ORDER**

This Civil Revision Petition has been filed challenging the order passed by the learned XIII Assistant Judge, City Civil Court, Chennai in IA.No.10 of 2025 in OS.No.2353 of 2021, by which the learned Trial Judge dismissed the application filed by the petitioners under Order VII Rule 9 of CPC seeking permission to receive an additional written statement.

2. The respondents herein filed the suit in O.S.No.2353 of 2021 seeking a decree of permanent injunction restraining the petitioners/ defendants from interfering with their peaceful possession and enjoyment of the suit property situated at Plot Nos.66 and 67, No.196, E.H. Road, Sozhan Nagar, Vyasarpadi, Chennai-600 039.

3. The petitioners filed their written statement and contested the suit. According to the petitioners, certain legal aspects were inadvertently omitted to be stated in the written statement. The petitioners intended to raise the plea that the suit property is a shared property and that one co-owner cannot restrain another co-owner from using the common property.

4. In order to incorporate the said plea, the petitioners filed I.A.No.10 of 2025 under Order VIII Rule 9 of CPC seeking permission to file an Additional Written statement.



5. The respondents opposed the application contending that the petitioners were repeatedly filing interlocutory applications only with an intention to delay the proceedings. It was also pointed out that the petitioners were earlier set exparte and were subsequently permitted to contest the suit on payment of costs. Even thereafter, they continued to adopt dilatory tactics.

6. The Trial Court, after considering the materials on record, found that the suit had already progressed to the stage of trial and the plaintiff had examined himself as PW1 and marked documents as Ex.A1 to Ex.A26. The Trial Court also found that the petitioners had not shown any sufficient cause for filing the additional written statement at such a belated stage.

7. The Trial Court further held that the conduct of the petitioners indicated an attempt to protract the proceedings. In support of the said conclusion, reliance was placed on the judgement of the Hon'ble Supreme Court in *Shiv Cotex Vs. Tirgun Auto Plast Pvt. Ltd., (2011) 9 SCALE 500*, wherein it has been held that Court must ensure effective progress of cases and avoid unnecessary delays.

8. This Court has carefully considered the submissions made on either side and perused the materials placed on record.



9. The power under Order VIII Rule 9 of CPC to permit additional pleadings is discretionary. Such discretion must be exercised keeping in mind the stage of the proceedings and the bona fides of the party seeking such permission.

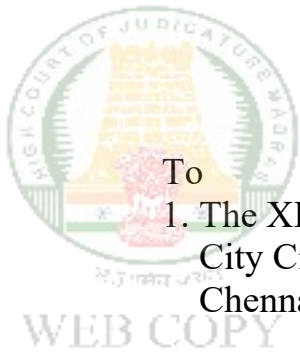
10. In the present case, the suit is of the year 2021 and the trial has already commenced. The plaintiff has already entered the witness box and the evidence has progressed. At this stage, permitting an Additional Written statement cannot be claimed as a matter of right.

11. The Trial Court had taken note of the conduct of the petitioners and has come to the conclusion that the application was filed only to delay the progress of the suit. This Court does not find any perversity or illegality in the reasoning adopted by the Trial Court. This Court does not find any reason to interfere with the well considered order passed by the Trial Court.

12. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous Petition is closed.

06-03-2026

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



To
1. The XIII Assistant Judge,
City Civil Court,
Chennai.



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T.V.THAMILSELVI, J.

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