



C.R.P.(MD)No.945 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.945 of 2026

and

C.M.P.(MD)No.4361 of 2026

Sarojini

... Petitioner

vs.

1.Ashok Kumar

S.Veluchamy (died)

2.V.Mahalakshmi

S.Gandhi @ Rajagopal Naicker (died)

3.Jeyaseelan

4.Pandiarajan

5.Soundarapandian

6.Duraipandian

7.Anandapandian

8.Selvaraj

9.Saravanan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the order dated



C.R.P.(MD)No.945 of 2026

26.02.2026 passed in I.A.No.07 of 2026 in O.S.No.437 of 2017 on the file of Principal Sub Court, Srivilliputtur and allow this Civil Revision.

For Petitioner : Ms.J.Roshini

For Respondent : Mr.S.Muniyandi

ORDER

Heard Ms.J.Roshini for civil revision petitioner and Mr.S.Muniyandi for Respondent.

2. Impugning an order receiving an additional pleading, the 4th defendant is on a revision.

3. O.S.No.437 of 2017 on the file of the Principal Subordinate Judge at Srivilliputhur, is a suit for declaration of title and for consequential reliefs. Summons were served on the defendants. The defendants filed a detailed written statement, tracing his title to the property. On the basis of these pleadings, issues were framed and the matter has been repeatedly adjourned for trial.

4. Pending the proceedings, the plaintiff filed an application in I.A.No.07 of 2026, seeking leave of the Court to receive a reply statement from his side. This application was opposed by the



C.R.P.(MD)No.945 of 2026

defendant. The learned Trial Judge, taking into consideration of the fact that it is a suit for title and that, it is the duty of the Court to analyze the entire facts and come to a conclusion, permitted the receipt of the reply statement. The 4th defendant claims to be aggrieved by this order.

5. Ms.Roshini, states that the delay in filing the application under Order VIII Rule 9 of the Code of Civil Procedure has not been explained. She adds that the plaintiff is setting up a new source of title, than what was originally pleaded. She states that for the mere asking, the application has been allowed.

6. Mr.S.Muniyandi reiterates the contentions he had placed before the Trial Court and seeks to sustain the order.

7. I have carefully considered the submissions of both sides and have gone through the records.

8. Here is a suit for title. In such a suit, a plaintiff, claiming title, is entitled under law to plead multiple sources of title, in order to sustain his claim. [See, ***Dhanapal Chettiar v. Govindaraja Chettiar, AIR 1961 Mad 262***]. For the fact that he had pleaded one



C.R.P.(MD)No.945 of 2026

particular source of title and that had been effectively responded by the defendant does not mean that he cannot seek permission of the Court and plead the other sources. As rightly pointed out by the learned Trial Judge, whatever be the source of title, the plaintiff has pleaded, the burden is on him to substantiate the same to the satisfaction of the Trial Court.

9. Secondly, on the aspect of delay, the matter has not yet gone for trial. None of the parties have entered the witness box. The pleadings, which are nothing but mere assertions, are all that are available before the Court. This is also not an application under Order VI Rule 17, whereunder the plaintiff has withdrawn the entire source pleaded by him and is setting up a new case. The original plaint continues to be on the file. In addition to the same, the plaintiff has filed a reply statement.

10. Insofar as the plea that the delay has not been explained is concerned, under Order VIII Rule 9, there is no necessity to explain the delay. All that is required is the *“leave of the Court to file an additional statement or a reply statement”*. The scope of consideration for grant of leave is the least under the code, when compared to “good



C.R.P.(MD)No.945 of 2026

cause” under Order IX Rule 7 or “sufficient cause” under Section 5 of the Limitation Act. A similar provision, where leave of Court has to be obtained and which this Court has consistently held requires liberal interpretation, is Order VIII Rule 1(A) of the Code.

11. Finally, the grant of leave is an exercise of discretion by the learned Trial Judge. Unless and until the discretion has been so capriciously exercised or there has been an unjudicious exercise of power, it is not capable of being interfered with in the revision.

12. One plea raised by the petitioner, thus, finds acceptance by this Court, namely, that the learned Judge allowed the application with costs. The learned Judge should have specified the amount of costs, especially when the reply statement was filed after the suit was listed for trial. While confirming the order of the learned Principal Subordinate Judge at Srivilliputhur in receiving the reply statement, the cost imposed by the Court is enhanced to Rs.5,000/- (Rupees Five Thousand only). The same shall be paid by the plaintiff to the defendants within a period of three weeks from today.



C.R.P.(MD)No.945 of 2026

WEB COPY

13. In view of the above observations, this Civil Revision Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

06.04.2026

To:

The Principal Sub Court, Srivilliputtur.



WEB COPY



C.R.P.(MD)No.945 of 2026

V.LAKSHMINARAYANAN, J.

Nsr

Order made in
C.R.P(MD)No.945 of 2026

06.04.2026