



C.R.P.(MD)No.3808 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3808 of 2025

and

C.M.P.(MD)No.20049 of 2025

S.Kamal Batcha

... Petitioner

-VS.-

1.The Church of South India Trust Association (CSITA),
represented by D.J.Anbudayan,
S/o.Rev.David, Treasurer, Office at Trichy,
Thanjavur-Diocese Office, Puthur, Trichy – 17.

2.P.D.Peter,
S/o.Paul, Clerical Secretary,
Office at Trichy, Thanjavur-Diocese Office,
Puthur, Trichy – 17.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order, dated 07.08.2025 passed in I.A.No.4 of 2025 in O.S.No.77 of 1985 on the file of the Principal Subordinate Court, Karur and consequently, permit the petitioner to file his additional written statement in the said suit within such time as this Court may deem fit.



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For Petitioner :Ms.Porkodi Karnan
for M/s.Polax Legal Solution
For Respondents :Mr.M.Silambarasan
(Legal Aid Counsel)
For R1 :Mr.P.Jeganathan

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Principal Subordinate Judge, Karur in I.A.No.4 of 2025 in O.S.No.77 of 1985 dated 07.08.2025.

2.Though notice was issued, no one appeared on behalf of the respondents. Hence, this Court appointed one Mr.M.Silambarasan, as Legal Aid Counsel for the respondents to assist the Court. However, after the appointment of the Legal Aid Counsel for the respondents, Mr.P.Jeganathan, learned Counsel sought permission to file vakalat on behalf of the first respondent and this Court has also granted permission to Mr.P.Jeganathan, learned Counsel to file vakalat on behalf of the first respondent.



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3.Heard Ms.Porkodi Karnan, learned Counsel for the Revision Petitioner, Mr.M.Silambarasan, learned Court appointed Legal Aid Counsel for the respondents and Mr.P.Jeganathan, learned Counsel for the first respondent.

4.The respondents herein, as plaintiffs, have filed a suit in O.S.No.77 of 1985 before the Principal Subordinate Court, Karur, for recovery of possession and damages, against the petitioner and others. During the pendency of the said suit, the third defendant has filed an application in I.A.No.4 of 2025 in O.S.No. 77 of 1985 under Order VIII Rule 9 seeking to receive additional written statement. The said application came to be dismissed by the learned Principal Subordinate Judge, Karur, vide impugned order, dated 07.08.2025 on the ground that after the lapse of 34 years, the third defendant has filed the said application. Challenging the same, the present Civil Revision Petition has been filed.

5.Ms.Porkodi Karnan, learned Counsel for the revision petitioner submitted that the suit property was originally leased to the petitioner only as a



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vacant site. The respondents have subsequently altered the character of the property and suppressed the materials facts and filed the present suit. It is her further contention that subsequent to the filing of the written statement, the petitioner came to know about certain relevant facts and documents. Hence, he filed the present application seeking leave of the Court to file additional written statement. However, the Court below has erroneously dismissed the said application on the ground of delay and laches. She further contended that the alleged delay of 34 years was entirely due to administrative and judicial reasons, as this Court in the Second Appeal has remanded the matter to the trial Court for fresh trial and that the delay cannot be attributed on the petitioner.

6.She further contended that the petitioner had already established the existence of a valid tenancy between the defendants and the plaintiffs in respect of the vacant site and the plaintiffs have miserably failed to prove the ownership over the superstructure. Hence, the Court below ought to have appreciated the proposed additional written statement, which was filed with an intention to place the true and correct facts before the Court for a proper adjudication of the matter. She contended further that without even



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considering the facts and circumstances of the case and without analysing the materials evidence available on record, the Court below has erroneously dismissed the application filed by the petitioner, which warrants interference of this Court.

7.To substantiate her contention, the learned Counsel for the petitioner relied upon an order of this Court in ***C.R.P(MD)No.2335 of 2020***, dated 08.07.2021, in the case of ***Siluvai Mary and others vs Devasagayam and another***, wherein, this Court has held as follows:

“7. There is also another aspect which is pointed out by Mr.P.Jagadeesan, namely, that the defendants herein had an occasion to file an earlier suit in O.S.No.520 of 2000 on the file of the I Additional District Munsif Court, Salem and it is stated that reference to such suit, had not been made in the plaint. Therefore, an obligation arose on the defendants to point out that fact by way of additional written statement.

8. Let me not examine all these facts in detail because all these are matters of evidence. It would be inappropriate to permit the parties to plead facts to their knowledge. It is also common knowledge that occasions always arise when during the pendency of the suit, facts/documents which existed even prior to the institution of the suit would be recalled/found necessitating the plaintiff or the defendant to put them forth before the court. The court of the first instance is the court to settle all the facts and should provide some extra latitude for inclusion of pleadings relating to all the facts particularly when such pleadings are substantiated or authenticated by documents.”



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8.*Per contra*, Mr.M.Silambarasan, learned Court appointed Legal Aid Counsel for the respondents and Mr.P.Jeganathan, learned Counsel for the first respondent submitted that the present application has been filed at the stage of cross examination of PW-1 and with an inordinate delay of 34 years. They also submitted that the contentions raised by the petitioner in the written statement cannot be taken into consideration in the suit and that the present application has been filed only with an intention to drag on the proceedings and the petitioner, who is squatting over the property for several decades, has filed the present application with a *mala fide* intention, which has been rightly dismissed by the Court below, which does not warrant interference of this Court.

9.This Court considered the submissions made on either side and perused the materials available on record.

10.On a perusal of the records, it is seen that the petitioner herein has filed an application to receive additional written statement with an inordinate



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delay of 34 years. As rightly held by the Court below, the petitioner has not given any valid reasons for the inordinate delay of 34 years. The only reason attributed by the petitioner is that the delay was on account of administrative and judicial reasons. However, from the perusal of the records, it revealed that the petitioner after cross examining PW-1 in part, has filed the present application and if the present application is allowed, it will cause serious prejudice to other parties. It is not in dispute that by filing an additional written statement, the petitioner herein has tried to bring a new facts. However, when ample opportunities were given for cross examination, the petitioner has not filed the proper and better written statement and after filing a written statement, the petitioner herein has now again filed the present application to receive additional written statement only with an intention to drag on the proceedings. Further, if the petitioner wants to rely upon any documents, there is no embargo for the petitioner to mark those documents during the course of cross examination, if those documents are otherwise admissible in law.

11.It is not in dispute that the proposition laid down by this Court in the order relied upon by the petitioner is with regard to new facts that were



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brought in and it is appropriate for the person concerned to file an application and that has to be filed. Here in this case, when the cross examination itself is pending for long time, this application to mark certain documents cannot be taken into consideration at this stage. However, liberty is always vest with the revision petitioner to mark those documents, if it is otherwise permissible under the Act. This Court does not find any irregularity or infirmity in the order passed by the Court below.

12.In the result, the Civil Revision Petition is dismissed and the order passed by the learned Principal Subordinate Judge, Karur in I.A.No.4 of 2025 in O.S.No.77 of 1985 dated 07.08.2025, is confirmed. No costs. Since the suit is of the year 1985, the Court below is directed to expedite the trial and pronounce the judgment within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

13.This Court places its appreciation on the learned Court appointed Legal Aid Counsel for the respondents, who has rendered his effective



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submission for arriving at the appropriate decision. The High Court Legal Services Committee attached to this Bench shall pay a sum of Rs.10,000/- in *toto* as remuneration to the learned Court appointed Legal Aid Counsel, who is appearing for the respondents, within a period of two weeks from the date of receipt of a copy of this order.

24.02.2026

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

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To

The Principal Subordinate Judge, Karur.



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N.SENTHILKUMAR, J.

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