



C.R.P.(MD)No.43 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.43 of 2026

and

C.M.P.(MD)No.202 of 2026

S.Selvi

... Petitioner

-VS.-

Subbiah @ Vattisubbiah

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order made in I.A.No.4 of 2024 in O.S.No.256 of 2018, dated 01.02.2025 on the file of the Subordinate Court, Tiruchendur.

For Petitioner :Ms.V.Nambi Nachiyar

For Respondent :Mr.T.Antony Arulraj

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Tiruchendur. in I.A.No.4 of 2024 in O.S.No.256 of 2018, dated 01.02.2025.



C.R.P.(MD)No.43 of 2026

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2.Heard Ms.V.Nambi Nachiyar, learned Counsel for the Revision Petitioner and Mr.T.Antony Arulraj, learned Counsel for the respondent.

3.The petitioner is the plaintiff in O.S.No.256 of 2018 on the file of the Subordinate Court, Tiruchendur. The respondent is the defendant in the suit. The said suit was filed for declaration and for other reliefs. During the pendency of the suit, the respondent herein has filed an application in I.A.No.4 of 2024 in O.S.No.256 of 2018 under Order VIII Rule 9 CPC seeking permission to file additional written statement. The learned Subordinate Judge, Tiruchendur, vide impugned order, dated 01.02.2025, had allowed the said application. Challenging the same, the present Civil Revision Petition has been filed.

4.The learned Counsel for the petitioner submitted that the application filed by the respondent herein is an abuse of process of Court and the same ought to have been dismissed in limine by the Court below. He also submitted that the Court below has not considered the objections raised by the petitioner.



C.R.P.(MD)No.43 of 2026

It is his further submission that the additional written statement has been filed after a long period of five years from the date of filing of the original written statement and that the said application ought to have been dismissed on the ground of limitation. The learned Counsel also submitted that the Court below without considering the same, has erroneously passed the impugned order, which is *per se* illegal, which needs interference of this Court.

5.The learned Counsel for the respondent submitted that as the petitioner herein has filed another suit for the very same cause of action, the respondent has filed an application seeking permission to file additional written statement and that the Court below has rightly allowed the said application, which needs no interference of this Court. Hence, he seeks dismissal of this petition.

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

7.From the submissions made on either side and on perusal of the impugned order, it is to be noted that the petitioner/plaintiff has filed another



C.R.P.(MD)No.43 of 2026

suit for the very same cause of action, which necessitated the respondent to file an application seeking permission to file additional written statement. As rightly held by the Court below, additional pleadings shall be received liberally unless it is contradictory or destructive to the pleas taken in the original written statement and admittedly, the plea raised in the additional written statement is not destructive or contradictory to the pleas taken in the original written statement. Hence, there is no infirmity or irregularity in the impugned order passed by the Court below.

8.In fine, The Civil Revision Petition is dismissed as devoid of merits.
No costs. Consequently, connected miscellaneous petition is closed.

19.02.2026

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

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To

The Subordinate Judge, Tiruchendur.



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C.R.P.(MD)No.43 of 2026

N.SENTHILKUMAR, J.

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C.R.P.(MD)No.43 of 2026

19.02.2026