



CMP(MD)No.1,
in CRP(MD)No.164 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19-02-2026

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CMP(MD) No.18717 of 2025

in

CRP(MD) No.164 of 2021

S.R.Joseph Michael Patric

**Petitioner/
Respondent**

Vs

1.M.Lordu Ammal

2.S.R.Fathima

**Respondents/
Petitioners**

Prayer in CMP(MD)No.18717 of 2025 : This Civil Miscellaneous Petition filed under Section 151 C.P.C. praying to clarify the order dated 18.06.2021 made in CRP(MD)No. 164 of 2021, permitting the petitioner herein to file the additional written statement without any counter claim in O.S.No.56 of 2014 on the file of I Additional District Court, Tirunelveli.

Prayer in CRP(MD)No.164 of 2021 : This Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decretal order passed in I.A.No.4 of 2019 in O.S.No.56 of 2014 dated 07.09.2020 on the file of the I Additional District Court, Tirunelveli, by allowing this civil revision petition.



CMP(MD)No.1,
in CRP(MD)No.164 of 2021

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For Petitioner: Mr.P.Thiyagarajan, Advocate

For Respondents: No appearance for R1
Mr.H.Arumugam, Advocate for R2

ORDER

The above petition has been filed seeking clarification for the order dated 18.06.2021 made in C.R.P.(MD)No.164 of 2021 permitting the petitioner to file the additional written statement without any counter claim in O.S.No.56 of 2014 on the file of the I Additional District Court, Tirunelveli.

2. It is not in dispute that the respondents filed a revision in C.R.P.(MD)No.164 of 2021 challenging the order passed in I.A.No.4 of 2019 in O.S.No.56 of 2014 dated 07.09.2020 allowing the application filed under Order 8 Rule 9 C.P.C. This Court, after hearing both the parties, passed an order dated 18.06.2021 by holding that counter claim cannot be entertained after the commencement of the trial and on that basis, allowed the revision and thereby setting aside the order passed in I.A.No.4 of 2019 in O.S.No.56 of 2014 dated 07.09.2020.

3. The learned counsel appearing for the petitioner would submit that subsequently they filed an application for the reception of additional written statement



CMP(MD)No.1,
in CRP(MD)No.164 of 2021

but the learned I Additional District Judge, by referring to the order of this Court, refused to number the petition and aggrieved by the said order, the petitioner preferred a revision in C.R.P.(MD)No.2101 of 2021 before this Court and this Court, considering the submission made by the learned counsel appearing for the petitioner that he is withdrawing the present civil revision petition with liberty to file a clarification petition in C.R.P.(MD)No.164 of 2021, dismissed the petition as withdrawn with the aforesaid liberty vide order dated 24.06.2025. In pursuance of the said order, the present clarification petition came to be filed.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. This Court, in its order passed in C.R.P.(MD)No.164 of 2021, while specifically holding that a counter claim cannot be filed after the commencement of trial, set aside the order of the trial Court accepting the additional written statement cum counter claim. However, there is absolutely no bar or prohibition for filing an additional written statement at any stage of the trial, provided the applicant establishes sufficient cause for filing the same at that stage. In the present case, the learned I Additional District Judge, without even numbering the petition, has rejected the same. Such a course cannot legally be sustained. Hence, the learned I Additional District Judge,



*CMP(MD)No.1,
in CRP(MD)No.164 of 2021*

Tirunelveli is directed to take the petition on file, afford opportunity of hearing to both parties and thereafter pass appropriate orders in accordance with law.

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6. With the above direction, this Civil Miscellaneous Petition is disposed of.

19-02-2026

CSM

To

1.The I Additional District Judge,
Tirunelveli.