

IN THE IV ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Tmt.R.K.P. Tamilarasi, M.L.,
IV Additional Judge.**

Tuesday, the 28th day of July 2026

I.A.No. 7 of 2026

in

O.S.No.4448 of 2021

C.N.R.No.TNCH01- 018458-2021

1. N. Gopinath,
S/o.Late.A. Natesan

2. N. Subashini,
D/o.Late.A. Natesan

...Petitioners/Defendants 1 & 2

versus

1. N. Prakash,
S/o.Late.A. Natesan,

...1st Respondent/Plaintiff

2. Anumanthan,
H/o.Late.N. Rani

3. S. Nadhiya,
D/o.Anumanthan

4. Naresh,
S/o.Anumanthan

5. Muthulakshmi,
D/o.Anumanthan

...Respondents 2 to 5/Defendants 3 to 6

This petition came up before me for final hearing on 17.07.2026 in the presence of M/s.C.Parthiban, R.Narayanan Counsel appearing for the petitioners/defendants 1 and 2 and of M/s.N.K.Sekar, S.Kesavan, S.Lakshmi and K.B.Palani Velrajan Counsel appearing for the respondents 1st respondent/plaintiff and the respondents 2 to 5/defendants 2 to 6 were called absent set exparte in the suit itself and upon hearing the arguments from the counsels for both side, upon perusing the records of this case and having stood over for consideration till this day, this Court passed the following

ORDER

This petition has been filed by the petitioners/defendants 1 and 2 under Section 151 C.P.C. to permit the above O.S.No.4448 of 2021 enabling the petitioners/defendants 1 and 2 to file their Additional Written Statement in the above suit.

02. Brief averments made in the affidavit of the petitioners/defendants 1 & 2:-

The petitioners/defendants 1 and 2 stated that, this suit has been filed for Partition of the suit property and Declaration of Settlement Deed, dated 26.08.2020, Dc.No.657/2020 (Jt.SRO-Central Chennai) as null and void and Partition of Schedule "A" Properties and other reliefs. In this suit, they have already filed their detailed Written Statement and thereby vehemently denying all the allegations contained therein and petitioners crave leave of this court to treat our written statement as part and parcel hereof. The 1st respondent/plaintiff has amended the plaint and filed the same before this court on 01.11.2025. The above amended plaint came up before this court on 12.11.2025 for filing Additional Written Statement on their side and on that date, the Judge was on O.D and subsequently written statement on their side in the Amended plaint and as there was no representation on their side, this court without giving sufficient opportunity to them to file their additional written statement, has posted the above matter on 06.12.2025 for framing issues.

The petitioners further stated that, on 06.12.2025, their counsel on record Mr.C.Parthiban and his elder brother met with the Road Accident, and his brother died and petitioners counsel has sustained multiple injuries all over body and admitted in the General Hospital, Chennai for taking treatment and discharged only on 13.11.2025 and therefore, they could not file the Additional Written Statement in the above Amendment pliant on 06.12.2025. The non filing of the

Additional Written Statement on 06.12.2025 is neither willful nor wanton, but due to the above said bonafide reasons. Hence, the petitioners file the present petition to receive Additional Written Statement. If this petition is not allowed, they would be put to great hardship and irreparable loss and besides, they would lose their chance to put forth their genuine defense in the above amended plaint and at the same time there is no prejudice on the other side by allowing this petition.

03. Brief averments made in the counter of the 1st respondent/plaintiff:-

The 1st respondent/plaintiff state that, the defendants failed to file the Additional Written Statement, and this court was pleased to close the opportunity and posted the matter for trial. The present petition is filed belatedly after lapse of sufficient time and without any valid or acceptable reason. The reasons stated in the affidavit are vague, bald and unsupported by any documentary evidence. The defendants have attempted to rely upon alleged personal difficulties of their counsel, however, no medical records, accident report, discharge summaries, or any supporting documents have been filed to substantiate the said claim. Hence, the averments are self-serving and cannot be believed.

Under Order VIII Rule 9 of CPC, subsequent pleadings can be permitted only with leave of this court within 30 days and only when sufficient cause is shown. In the present case, no sufficient cause has been established. The Hon'ble Supreme Court and various High Courts have consistently held that procedural timelines must be adhered to, and dilatory tactics should not be encouraged. The conduct of the defendants clearly shows lack of diligence, and the present petition is filed only to protract the proceedings and delay the trial. The defendants have already filed their Written Statement earlier, and the present attempt to file Additional Written Statement is nothing but an abuse of process of law. Hence, they prayed to dismiss this petition.

04. Point for determination:

Whether this petition is to be allowed or not?

05. No document was marked and no oral evidence was adduced by either side for this petition.

06. Point for consideration:-

The 1st respondent/plaintiff filed the suit seeking for declaration the 1st respondent/plaintiff has filed the suit for declaring the Settlement Deed dated 26.08.2020 vide document No.657/2020 at the Office of the joint Sub Registrar-I, Central Chennai with respect to 620 sp.ft. Executed by the petitioner father Late.A.Natesan in favour of the 1st defendant which is more fully described in the Schedule- B as null and void and not binding on the plaintiff and for passing a Preliminary Judgment and Decree against the defendants directing division of the Suit Schedule-A property and allot 1/4th share to the plaintiff and for permanent injunction against the 1st defendant, his men, agents, servants or any one claiming right either under or through him in any manner alienating or encumbering the suit Schedule-B property.

07. The petitioners/defendants 1 and 2 stated that, the 1st respondent/plaintiff has amended the plaint and filed the same before this court on 01.11.2025. The above amended plaint came up before this court on 12.11.2025 for filing Additional Written Statement on their side subsequently written statement on their side in the Amended plaint and as there was no representation on their side, this court without giving sufficient opportunity to them to file their additional written statement, has posted the above matter on 06.12.2025 for framing issues. On 06.12.2025, their counsel on record Mr.C.Parthiban and his elder brother met with the Road Accident, and his brother died and petitioners counsel has sustained multiple injuries all over body and admitted in the General

Hospital, Chennai for taking treatment and discharged only on 13.11.2025 and therefore, they could not file the Additional Written Statement in the above Amendment plicant on 06.12.2025. The non filing of the Additional Written Statement on 06.12.2025 is neither willful nor wanton, but due to the above said bonafide reasons. Hence, the petitioners file the present petition to receive Additional Written Statement

08. On the other hand, the 1st respondent/plaintiff filed his counter stating that Under Order VIII Rule 9 of CPC, subsequent pleadings can be permitted only with leave of this court within 30 days and only when sufficient cause is shown. In the present case, no sufficient cause has been established.

09. Heard both sides and perused the records. On perusal of notes paper it reveals that, the plaintiff amended the plaint and Amended plaint copy filed and this court granted sufficient time for filing Additional Written statement to the defendants. In spite of sufficient chances given, the defendants did not come forward to file their Additional Written statement. Hence, this court recorded that Additional Written statement not filed and Issues were framed and this case is posted for Trial. At this stage, the petitioner/defendant come forward with this petition permit to file Additional Written Statement Under Section 151 of CPC.

10. The correct provision of Law for filing the Additional Written Statement is Under Order VIII Rule 9 of CPC. But, in this case the provision of law itself is wrong. Further, subsequent pleadings can be permitted only with leave of this court within 30 days and only when sufficient cause is shown. In the present case, the reason stated by the petitioner is that, the counsel on record and his brother met within an road accident and sustained multiple injuries and admitted in the hospital. In this regard, there is no medical records produced for their contention. Hence, in this case the provision of law itself is wrong. Hence, the petitioner is not entitled to allow this petition.

In the result, this petition is dismissed. No cost.

This Order has been dictated by me to the steno typist directly and computerized by her, corrected and pronounced by me in the open Court on this Tuesday, the 28th day of July 2026.

IV Additional Judge,
City Civil Court, Chennai

Both side witness examined and exhibit marked:Nil

IV Additional Judge,
City Civil Court, Chennai.

**Draft/Fair Order
in
I.A.No.7/2026
in
O.S.No.4448/2021
Dated:28.07.2026.**

**IV Additional
City Civil Court,
Chennai.**