

Com.O.S.No.240/2025
Meghdoor M. Ballu V/s. M/s. Ambiens Ventures and
others

ORDERS ON APPLICATION FILED BY THE PLAINTIFFS
UNDER ORDER 8 RULE 9 R/W SEC.151 OF C.P.C.

This is the suit filed by the Plaintiff seeking Declaration, Permanent and Mandatory Injunction in which after filing the written statement by the Defendants Plaintiffs have filed the present application under Order 8 Rule 9 R/W Sec.151 of C.P.C. seeking permission to file Re-joinder to the written statement filed by the Defendants.

2. In the affidavit filed in support of the application the Plaintiff No.1 has contended that, as there are lot of untenable statements made by the Defendants in their written statement there is a need to reply such statements which are against the facts to prevent any kind of misgivings in the matter. Hence, it is necessary to permit them to file Re-joinder by way of reply to written statement.

3. To this application Defendants have filed objections stating that, application is not maintainable under law or on facts, as per the Order 6 Rule 7 of C.P.C. no pleading shall, except by way of amendment raise any new ground of claim or contain any allegations of fact inconsistent

with the previous pleadings. If the Plaintiffs wants to introduce new pleas they can do so by way of amendment of plaint, if Plaintiffs are allowed to file Re-joinder by invoking under Order 8 Rule 9 C.P.C. Defendants will not have right of filing additional written statement. Therefore, application is liable to be rejected.

4. During arguments learned counsel for the Plaintiffs has submitted his arguments stating that, when the Plaintiffs have not introduced any new claim or inconsistent pleas in the Re-joinder the said Re-joinder is filed only as reply to the averments made in the written statement. Therefore, it is necessary to permit the Plaintiffs to file Re-joinder.

5. On the other hand, counsel for the Defendants has argued stating that, once written statement is filed without any counter claim or set-off Plaintiffs are not entitled to file Re-joinder. In support of his arguments he has relied upon the judgment reported in **2001 ILR (Kar) 4580 ; Mohammed Ali V/s. Khutejatul Kubra.**

6. On perusal of the averments made in the application and submissions made by both the

counsels it appears to me that it is true that if any inconsistent pleas or new claims are raised by way of subsequent pleadings same is not permitted, but here in the present case as the Plaintiffs wants to file Re-joinder only as a reply to the averments made in the written statement it is proper and necessary to permit the Plaintiffs to file said Re-joinder as claimed in the application. Hence following ;

ORDER

The application filed by the Plaintiffs under Order 8 Rule 9 of C.P.C. is allowed.

Plaintiffs are permitted to file Re-joinder as claimed.

**II Addl. District & Sessions Judge,
Mysuru.**