

**IN THE COURT OF THE DISTRICT MUNSIF, SULUR**

**Present : Tmt.M.Santhosham., B.Sc., B.L.,**

**District Munsif, Sulur**

Thiruvalluvar year 2056 Visvavasu year, 20<sup>th</sup> day of Karthigai

Saturday the 6<sup>th</sup> day of December 2025

**I.A.No.2/2025**

**in**

**O.S.No.86/2022**

Palanisamy

**... Petitioner/Plaintiff**

**/VS/**

K. Arumugam

**...Respondent/Defendant**

This petition is coming on this day for final hearing before me in the presence of Mr.M.Ponnusamy, Advocate for Petitioner and Mr.S.Sampath, Advocate for Respondent and upon perusing the records, and this court made the following:

**ORDER**

This petition filed by the petitioner under order 8 rule 9 and Section 151 of CPC to file the enclosed reply statement in the above suit.

**1. The brief averments of the affidavit filed by the petitioner as follows:**

1.1. The petitioner have filed the above suit for Declaration against the respondent. The respondent has filed his written statement with false and unteanable allegations. Hence it is very necessary for petitioner to traverse the allegations made in their written statement through a reply statement. The suit property is absolutely belonged to petitioner and he is in exclusive possession and enjoyment over the suit property. Petitioner have put up shed over the suit property. Petitioner father had not executed the alleged sale deed dated 11.03.2004. The alleged thumb impressions found in the alleged sale deed dated 11.03.2004 are not belonged to petitioner father.

Petitioner had not signed as witness in the alleged sale deed dated 11.03.2004. The alleged signature found in the place of execution witness in the alleged sale deed dated 11.03.2004 is not belonged to petitioner.

1.2. The alleged sale deed is not supported by any consideration. It is false to state that the defendant has been put in possession and enjoyment of the suit property from the date of purchase. The alleged revenue records are false and wrong documents. PATTA IS NOT A DOCUMENT OF TITLE. Petitioner have filed the suit within period of limitation from the date of his Knowledge. Hence the allegations to the contrary made in the Written Statement filed by the defendant are false and incorrect. Hence it is very necessary for petitioner to traverse the allegations made in their written statement by way of filing the enclosed reply statement in the suit. The averments made in the enclosed Reply Statement may be read as part and parcel of this affidavit. The enclosed Reply Statement will not change the nature, character and cause of action of petitioner suit. The trial of the suit is not yet commenced. Unless petitioner permitted to file the enclosed Reply Statement in the above suit, he will be put to irreparable loss and injury. Hence this petition is to be allowed.

## **2. The brief averments of Counter statement filed by the Respondent as follows:**

2.1. The allegation contained in this suit are false, frivolous, vexatious and not maintainable in law and on facts. The respondent denies the entire allegations made in the affidavit, except those that are all specifically admitted by him and the petitioner put to strict proof of the same.

2.2. The allegation in the reply statement that the purchase of the respondent/defendant under document no.1273/2004 dated 11.03.2004 is not supported with the consideration and the respondent has not been put in possession

and enjoyment of the same and the revenue records i.e., Patta is not a title document and the petitioner is in possession and erected over the suit property and put up the shed over it and the father of the plaintiff had not executed the sale deed dated 11.03.2004 and the thumb impressions found in the alleged sale deed not belonged to plaintiff's father and the plaintiff has not signed as witness in the alleged sale deed dated 11.03.2004 and the alleged signature found in the place of execution witness in the alleged sale deed dated 11.03.2004 is not belonged to the plaintiff and the alleged sale is not supported by any consideration and the plaintiff had the knowledge of alleged sale deed only in the year 2020 and he filed this suit with in 3 years from the date of knowledge and the suit is filed with in the period of limitation and the possession of the suit property has always been with plaintiff and his father and the alleged sale deed dated 11.03.2004 is a false, fabricated, forged, void and illegal document and the alleged sale deed was created without the knowledge and consent of the plaintiff and plaintiff's father and the alleged sale deed dated 11.03.2004 is void ab initio Non-est, illegal, forged and not acted upon and the defendant has not derived any right, title or possession over the suit property on the basis of forged and void sale deed dated 11.03.2004 all are denied as false, fabricated and defamatory statements created by the plaintiff after prior consultation with ingenious brain for unlawful enrichment.

2.3. The petitioner suppressed the facts and suggested the false and fertile imaginary story as after thought with the consultation of the legal brain. The present petition itself is one of the dare attempts of the petitioner to drag the proceedings. Already the suit is ripped for trial and the petitioner not preferred to take active part in the court proceedings to get along the case as known to law. In the month of September 2025 the petitioner and his son along with the henchman attempted to encroach the property and attempted to put up a thatch shed with their hooligans and the son of the petitioner claimed himself belongs to a political group

and if at all the respondent restrain him from the suit property then the respondent will be foist a false cases that too under Prevention of Atrocities act as the petitioner belongs to a Schedule Caste community and out of the chores and continuous harassments by the petitioner and his son to the respondent and his family which constrain them to lodge a complaint before the Karumathampatty police station and then preferred the complaint before the SP of police, Coimbatore and other attended circumstances will speak the truth and the things what has happened and other preponderance of incidents will throw much light upon the issues and how the respondent and his family has been harassed by the petitioner and his son in the name of the pending litigation and abuse of the process of law and the abuse of the Prevention of Atrocities Act as the petitioner belong to Schedule Caste community.

2.4. The averments in the written statement as good and correct by both law and documentary evidences. After the purchase of the property the necessary mutation has been carried out in all the revenue records and he has been put in possession and enjoyment of the suit property till date. The petitioner has to prove the allegations set out by him with the necessary legal evidence otherwise the allegation has to be thrown out. The respondent reserve their right to file the additional counter statement if and when necessary. Hence, the petition ought to be dismissed.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

**4. Points for Consideration:-**

Whether the petition under order 8 rule 9 and Section 151 of CPC to file the enclosed reply statement is to be allowed?

**5. Points :-**

5.1. The Petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. The original suit seeking for Declaration and Permanent injunction.

5.2. The petitioners has stated that the suit property is absolutely belonged to petitioner and he is in exclusive possession and enjoyment over the suit property. Petitioner father had not executed the alleged sale deed dated 11.03.2004. The alleged thumb impressions found in the sale deed dated 11.03.2004 are not belonged to petitioner father. Petitioner had not singed as witness in the alleged sale deed dated 11.03.2004. It is false to state that the defendant has been put in possession and enjoyment of the suit property from the date of purchase. The alleged revenue records are false and wrong documents. PATTA IS NOT A DOCUMENT OF TITLE. Petitioner have filed the suit with in period of limitation from the date of his Knowledge. The allegations to the contrary made in the Written Statement filed by the defendant are false and incorrect. Hence it is very necessary for petitioner to traverse the allegations made in their written statement by way of filing the enclosed reply statement in the suit. The respondent has denied these claims.

5.3. The petitioner/plaintiff seeking permission to receive the reply statement on his side. As per order 8 rule 9 of CPC if any mutually inconsistent or mutually destructive pleas alone is not permissible to take by way of subsequent pleading. The plaintiff has denied the allegations made in the written statement and chosen to establish his right upon the suit properties. Hence, the proposed reply statement will not alter the nature of main case and it is not having any plea as mutually inconsistent with the earlier pleadings. Without pleading the petitioner cannot cross examine the witness. Hence, the plaintiff also having right to deny the

defendant's written statement by way of filing reply statement.

**In the result, this petition is allowed. No cost.**

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 6<sup>th</sup> day of December 2025.

Sd/M.Santhosham  
District Munsif,  
Sulur.

**List of witnesses and documents on Petitioner side:-** - Nil

**List of witnesses and documents on Respondent side:-** - Nil

Sd/M.Santhosham  
District Munsif,  
Sulur.

Draft/ Fair Order  
I.A.No.2/2025 in  
O.S.No.86/2022  
Dated:06.12.2025  
DMC, Sulur