

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 9th day of Thai

Friday the 23rd day of January 2026

I.A.No.26/2025

in

O.S.No.137/2017

D. Selvaraj

... Petitioner/ 16th Defendant

/VS/

1. Janaki @ Kannammal

... Respondent/Plaintiff

2. Rajeshwari

3. Vijayalakshmi

4. Govindaraj

... 2nd to 5th Respondents/ 12th to 14th Defendants

This petition is coming on this day for final hearing before me in the presence of Mr.M.Gobalakrishnan, Advocate for the Petitioner and Mr.M.Jayanthinathan, Advocate for the 2nd to 4th Respondents and Ms.R.Krishnaveni, Advocate for 1st Respondent and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner U/O 8 R 9 and section 151 of CPC to file additional written statement.

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

1.1. The Petitioner is the 6th Defendant in the above suit. The petitioner/ 16th defendant uneducated and he have no legal knowledge. Now only come to know real facts of the case and also petitioner/ 16th defendant have some imported point to

filling Additional Written statement. On perusal of the 12th to 14th defendants, some documents was created. The respondent also knows said facts. So, the said reply statement is to be received and recorded. The said additional statement is essential only to prove petitioner/ 16th defendant case. Unless this court permits petitioner/ 16th defendant to file the additional statement, he will be put to great loss and hardship. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the 1st Respondent as follows:

2.1. The petition is false, frivolous, vexatious and not maintainable both under law and on the facts. The suit is presently posted for final arguments. At this advanced stage of the proceedings, there exists no scope, occasion, or necessity for the filing of any further written statement. The petitioner has not demonstrated the existence of any fresh facts, circumstances, or legal grounds which could possibly justify the reception of an additional written statement at this belated stage. Allowing such an application would result in undue delay, prejudice the 1st respondent, and amount to an abuse of process of this court.

2.2. The petitioner's application has been filed at an extremely belated stage, namely, when the matter is already posted for final arguments. The petitioner has failed to disclose any fresh facts, circumstances, or documents that could not have been filed at an earlier stage of the proceedings. Moreover, the petitioner has not provided any plausible explanation or justification for the inordinate delay in seeking permission to file an additional written statement. Already the petitioner father had appeared in the above case and knowing the facts of the sale deed executed by his mother on his behalf had not denied at all.

2.3. The Plaintiff being the daughter of the executant Valliammal had admitted her mothers sale deed and now the petitioner cannot go against it. Hence the additional written statement by the legal heir cannot be accepted at all, that too at

the stage of arguments. It is well established principle of law that a party seeking leave of this court to file an additional written statement must satisfy the court that exceptional circumstances exist, or that there are fresh fact or documents which could not have been produced earlier despite due diligence. In the present case, the petitioner has failed to demonstrate that existence of any such exceptional circumstances, fresh facts or documents that could justify the reception of an additional written statement at this advanced stage. It is trite law that, once the matter has reached the stage of final arguments, no fresh written statement is ordinarily permissible unless it is supported by truly exceptional circumstances, which are entirely absent in the present case.

2.4. It is settled position in law that after the completion of evidence, any attempt to reopen the proceedings for the purpose of filing additional pleadings or written statements must be made under the inherent powers of this court under Section 151 CPC. Such powers is to be exercised sparingly and only in exceptional circumstances to prevent miscarriage of justice. In the present case, the petitioner has failed to invoke section 151 CPC or demonstrate any valid ground for the exercise of such inherent jurisdiction. The mere filing of an application at this stage is liable to be dismissed in limine. The present petition is highly belated and appears to have been filed with a malafide intention, with the ulterior motive of harassing the contesting the 1st respondent. Hence this petition is to be dismissed.

3. The brief averments of Counter statement filed by the 12th Respondent and adopted by 13th and 14th Respondents as follows:

3.1. The petition is false, frivolous, vexatious and unsustainable both under law and on the facts of the case. Except the pleadings that are specifically admitted herein, the respondent denies all the averments contained in the affidavit is put to strict proof of the same. The documents in the additional written statement all are prior to the suit. With this petitioner/ 16th defendant is a really in a defensive

mode then he could have filed the pleadings on his earlier written statement.

3.2. Further the mere allegations against the 12th defendant will not be acceptable. The petitioner not filed any supportive documents for his pleadings. The petitioner filed this petition with baseless against the 12th to 14th defendants. The suit is in the year of 2013 already 12 years was taken up. Now this petitioner come forward with this petition at this stage just a reason of drag the proceedings of the suit. This petitioner never turned for cross of other witness so far. Furthermore petitioner/ 16th defendant himself not given evidence in this case. Without legal knowledge contesting a case for more than 12 years is highly impossible. This petitioner knows to drag the case without proper locus standee in favour of him. The petition is devoid of merits and the petitioner is not entitled to any of the remedies claimed in the petition and deserves to be dismissed in limine with exemplary cost.

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

5. Points for Consideration:-

Whether the petition U/O 8 R 9 and section 151 of CPC to file additional written statement is to be allowed?

6. Points :-

6.1. 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 main suit is filed for Partition and Permanent Injunction. Now the suit is pending in the stage of PW.1 cross examination.

6.2. The petitioner stated that, on perusal of the 12th to 14th defendants, some documents was created. The respondent also knows said facts. So, the said

reply statement is to be received and recorded. The said additional statement is essential only to prove petitioner/ 16th defendant case.

6.3. The 2nd to 4th respondents objected that, the petitioner not filed any supportive documents for his pleadings and filed this petition with baseless against the 12th to 14th defendants. The suit is in the year of 2013 already 12 years was taken up. Now this petitioner come forward with this petition at this stage to drag the proceedings of the suit. This petitioner never turned for cross of other witness so for. Furthermore petitioner/ 16th defendant himself not given evidence in this case.

6.4. The 1st respondent/plaintiff objected that, it is settled position in law that after the completion of evidence, any attempt to reopen the proceedings for the purpose of filing additional pleadings or written statements must be made under the inherent powers of this court under Section 151 CPC. Such powers is to be exercised sparingly and only in exceptional circumstances to prevent miscarriage of justice. In the present case, the petitioner has failed to invoke section 151 CPC or demonstrate any valid ground for the exercise of such inherent jurisdiction. The mere filing of an application at this stage is liable to dismissed in limini.

6.5. The petitioner/ 16th defendant has not stated any acceptable reasons to allow this application. The petitioners/ 16th defendant has not examined himself to prove the contention raised in the affidavit. The original suit is in the year of 2012 and for partition. Hence, there is no sufficient reasons set out by the petitioners in the affidavit to allow this application. Hence, considering this suit is 12 years old suit and the nature of the case, this petition is dismissed.

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

Dictated to the Steno-typist and directly typed by her in computer,

corrected and pronounced by me in open court this the 23rd day of January 2026.

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on Petitioner side :-

Nil

List of witnesses and documents on Respondents side :-

Nil

Sd/M.Santhosham
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.26/2025 in
O.S.No.137/2017
Dated:23.01.2026
DMC, Sulur