

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ANNUR.**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,
District Munsif cum Judicial Magistrate, Annur.

On this Friday, the 2nd day of January, 2026.

I.A.No.5/2025
in
O.S.No.436/2023
(CNR.No.TNCB21-002794-2023)

M.Kumaresan

.... Petitioner/Defendants No.4

//Versus//

1. Kaliasammal (Died)
2. Nagalakshmi (Died)
3. Sellammal
4. Kumudha
5. Chinnakannu
6. Kamalaveni
7. Ruckmani

.... Respondents/Defendants

This petition is coming before this court for final hearing in the presence of Mr.M.Ranganathan, Advocate for the Petitioner and the respondents / defendants were set exparte and upon perusal of material records and having stood over till this date for consideration, this court delivers the following :

ORDER

This petition has been filed by the Petitioner/Defendants No.4 under Order 8 Rule 9 of CPC to permit the defendants to file the Additional Written Statement and render justice.

2. Records perused. The petitioner side counsel was heard. The respondents / plaintiffs were set exparte. This petition was filed by the petitioners / defendants to receive the additional written statement filed along with this petition to be received as their additional written statement in the main suit.

3. The present suit was filed for the relief of partition of the suit properties. In the main suit, the extent of the property to which the partition was claimed are, 2.50 Acres in SF No.302; 1.63 Acres in SF No.313; 1.50 Acres in SF No.246 of Kondayanpalayam Village of then Coimbatore North Taluk. By the present petition, the respondents seek to receive the additional written statement and in which the availability of the extent of suit property was disputed. The averments of the additional written statements shows that even though the extent of 2.50 Acres in SF No.302 is available in the field as per the document, the extent of 1.39 Acres and 0.90 Acres only available in the field instead of 1.63 Acres and 1.50 Acres respectively in SF Nos: 313 and 246.

4. The above difference of available land lesser than that of document, because of the subsequent sub-division in SF Nos: 302, 313, 246 as SF Nos: 302/1A, 313/6, 246/3 were alleged to be supported by the patta and FMB issued for those subdivided lands. Those three pattas and FMB's are also annexed along with the additional written statement filed. The present suit is presently pending at the stage of further DW's. In this stage of the case, the defendants seek permission to receive the

additional written statement. Even though, the petitioners / defendants filed this petition belatedly even after examining one witness on their side, while considering that if the permission is denied and later during division of the land if it will be found lesser extent available than that of field, then it will create further legal proceedings and confusions will be created. No objections were also raised by the plaintiffs by way of filing counter. Furthermore, receiving of the additional written statement will not cause any prejudice to the respondents / plaintiffs but they might aid the court to decide the issues properly and might lead to curtail the multiplicity of proceedings. Hence, the petition is allowed and the petitioners / defendants are permitted to file the additional written statement. No cost.

Dictated to steno-typist, directly typed by her in the official desktop, corrected and pronounced by me in the open court on this 2nd day of January, 2026.

District Munsif cum Judicial Magistrate,
Annur.

Both side Exhibits Marked : - NIL -

District Munsif cum Judicial Magistrate,
Annur.