

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM
PRESENT: Tmt. S.SUGANIYA SRI B.A.B.L (Hons), M.L., PGDAML
ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM
MONDAY, THE 24TH DAY OF APRIL 2023
IA.NO.571/2022 IN OS.NO.16/2015

Angaiyarkanni

--Petitioners/2nd Defendant

VS

M.Ravi

----Respondent/ Plaintiff

For Petitioner	Thiru.P.Pandiyan, Advocate
For Respondent	Thiru.B.Saravanan, Advocate
Relief Claimed	This petition is filed under order 8 rule 9 and section 151 of CPC to receive additional written statement in main suit.
Final Hearing	03.01.2023

Upon hearing the arguments of petitioner and respondent perusal of the entire records and having stood over for consideration till this day, this court delivers the following

ORDER

The case of petitioner

1. The petitioner is 2nd defendant and respondent is the plaintiff in suit. The plaintiff has filed the suit for the relief of recovery of possession and for mandatory injunction. The 2nd defendant has purchased the suit property from the 1st defendant. The 1st defendant has left the suit without contest after filing his written statement. Therefore, the petitioner intends to file additional written statement on his part. The act of the petitioner is neither willful nor wanton. Hence this petition.

The case of the Respondent

2. The respondent vehemently opposes the petition filed by the petitioner and put the petitioner to the strict proof of the same. The commissioner has filed his report in the suit. In the suit, PW1 and PW2 was examined and at this stage, this petition is been filed by

the petitioner. There is no proper and acceptable reason given for filing additional written statement at this stage. This petition has been filed only with the intention to drag on the suit proceedings. Hence, the respondent prays to dismiss this petition.

3. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

4. On the side of both parties, no oral and documentary evidence was let in.

Points for consideration:

5. Heard both sides learned Counsels. Material records perused. This is the suit filed for the relief of declaring plaintiff's title to B-Schedule property, mandatory injunction and for other reliefs. On perusal of records, it is seen PW1 and PW2 was examined in chief. At the stage of cross examination of plaintiff side evidence, the defendants have left the suit without contest. After the counsel for defendants has reported no instructions, this court has issued notice to defendants. Subsequent to which, the 1st defendant was set exparte and the 2nd defendant has come up with this petition to receive additional written statement. Admittedly, the plaint itself has been amended in the year 2019 after the sale of B-Schedule property to 2nd defendant by the 1st defendant. After the 2nd defendant is impleaded in the suit, she has adopted the written statement filed by 1st defendant. Therefore, after 1st defendant has left the suit without contest, the petitioner intends to file his additional written statement. According to this court, on perusal of additional written statement filed along with this petition, no new fact has been pleaded by the defendant.

6. Considering the entire facts and circumstances of the case, and taking into account the fact of 1st defendant being set exparte recently, this court is of the view that the opportunity should be given by this court to the 2nd defendant for filing the additional written statement. There is no new plea or an inconsistent plea under the grab of filing additional written statement. Any allegation in the plaint if not specifically denied will be deemed to be admitted. A additional written statement may be filed if it is necessary for the defendant to set up some affirmative case in

answer to the facts alleged by the plaintiff. In order to decide the issue at hand and for complete adjudication of suit, this court is inclined to allow this petition so as to render substantial justice and to avoid multiplicity proceedings.

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

Dictated to the steno-typist, transcribed by her and typed in computer, corrected and pronounced by me in the open court this the 24th day of April 2023.

(Sd/-. S.Suganiyasri)

Additional District Munsif,
Chidambaram.

List of witnesses and documents on the side of the petitioners:

NIL

List of witnesses and documents on the side of the respondents:

NIL

(Sd/-. S.Suganiyasri)

Additional District Munsif,
Chidambaram.