

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Tmt.J.Mavis Deepika Sundaravadhana, M.A.,M.L.,**
Principal District Judge, Chengalpattu.

Thursday the 3rd day of October 2024

I.A.No.3/2018
in
O.S.No.21/2018

1. A.Thanigaivel

2. A.Raman

3. A.Somasundaram

4. A.Guberakrishnan

5. Rubalya Devi . . . Petitioners / Plaintiffs.

/Vs/

1. A.S.Rajan @ A.Soundararajan

2. D.Anandavalli

3. Thulasi Bai @ Thulasi Mala

4. Sathiya

5. Sivakumar

6. Subasini . . . Respondents / Defendants.

This petition came up before me in this court for final hearing on 27.9.2024, in the presence of Thiru.G.S.SureshBabu, Advocate for the petitioner and Tvl.T.Paranthaman, D.V.Subba Rao and K.R.Thiruvengadam, Advocates for the 1st and 2nd respondent, the other

respondent remained exparte in the suit, upon hearing the arguments of petitioner's counsel, perusing the written arguments of respondents 1 and 2 and entire records, and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioners/plaintiffs under Order 8 Rule 9 CPC, to permit the petitioners to file reply statement to the written statement filed by the defendants 1 and 2 in the suit.

2. The case of the petitioners in brief :

The 1st petitioner / 1st plaintiff filed this application for himself and on behalf of other petitioners/plaintiffs. The petitioners filed the above suit against the respondents / defendants for partition and separate possession of suit schedule properties. On receipt of summons the defendants 1 and 2 filed their written statement on 3.8.2018. On perusal of copy of written statement, it was noticed that the defendant 1 and 2 have made several allegations with regard to the joint family properties and the said allegations and averments have been repudiated by plaintiff in the reply to the written statement. The petitioner don't have any knowledge about the alleged settlement deeds executed by the defendants 1 and 2 and the petitioners / plaintiffs have now filed a petition for impleading them as one of the defendants in the above suit. The defendants 1 and 2 have also

taken a new defense in their written statement that already a partition deed was executed between the plaintiffs and the 1st defendant in respect to some other property. In the above said circumstances it has become necessary for the petitioner / plaintiff to file a reply to the written statement. No prejudice would be caused to the respondents / defendants in the event of this court is pleased to receive the reply statement on record. Hence, the petition.

3. The averments of counter filed by the respondents 1 and 2 in brief :

Before filing of the above suit, the plaintiffs have issued notice dated 23.7.2017 through their Advocate and the respondents 1 and 2 have sent a reply dated 14.9.2017 through their Advocate. Thereafter, the plaintiffs have sent a rejoinder dated 23.10.2017 through their Advocate. It is significant that in the rejoinder dated 23.10.2017 at page 10, in para 9, the plaintiffs have specifically referred to the settlement deed executed by the 1st respondent. Therefore the plaintiffs cannot now pretend as if they came to know about the same only after the filing of the written statement. Admittedly for the reasons best known to the plaintiffs, they have not filed the copy of reply dated 14.9.2017 and the rejoinder dated 23.10.2017 in the above suit, though the suit appears to be filed on or about 23.1.2018 before this court. In order to delay the suit proceedings as long as possible and as

an attempt to blackmail the respondents to come to their terms, the plaintiffs have filed the impleading applications in IA 1062/2018 in IA 1/2019 in which the respondent have already filed their counter affidavit. No new defence is taken in the written statement by the respondents. Admittedly the plaintiffs are parties to the partition deed dated 7.11.1997. The plaintiffs cannot be permitted to fill-up the lacuna in their pleadings by filing reply statement. The respondents will be put to serious and irreparable loss and damage if the plaintiffs are allowed to fill up the lacuna in their case by permitting them to file the reply statement. Hence, prayed for dismissal of petition.

4. The point that arises for consideration is whether the application is liable to be allowed.

5. Point :

The petitioner is the plaintiff, prayed for permission to file reply statement. The petitioner states some of the averments in the written statement to be objected and denied, therefore no prejudice would cause to the respondent / defendant. The petitioner / plaintiff wants to deny the averments in the written statement regarding the status of joint family property. According to the petitioner / plaintiff, the alleged settlement deed in favour of the daughters namely Sowmya Meena and Pradhoshini who are the daughters of 1st and 2nd defendants to be denied by was of reply

statement. Therefore this application is filed to permit the petitioner / plaintiff to file reply statement.

6. This application is filed in the year 2018 as soon as written statement is filed by the defendant. The reasons stated in the petition is accepted. No prejudice or hardship would be caused to the respondent / defendant. However in the interest of justice, petition will be allowed on payment of Rs.1,000/- to the respondent / defendant on or before 8.11.2024, otherwise petition stands dismissed.

7. As the result, petition will be allowed on payment of Rs.1,000/- to the respondent / defendant on or before 8.11.2024, otherwise petition stands dismissed. Call on 11.11.2024.

Dictated by me to the steno-typist, computerized by her directly, corrected and pronounced by me in open court, on this the 3rd day of October 2024.

Principal District Judge,
Chengalpattu.

Both side witnesses and exhibits :

Nil.

Principal District Judge,
Chengalpattu.