

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

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

Thursday the 2nd day of February 2023

I.A.No.1/2020
in
O.S.No.67/2019

M/s. Aguerri Industries Pvt. Ltd.,
Represented by its Chief Executive Officer/
Authorised Signatory, S.A.Tajuddin
Melrosapuram Koil Street, Chengalpattu Taluk,
Kancheepuram District. Petitioner / Plaintiff.

/Vs/

M/s. Indvest Business Development India P. Ltd.,
Ninnakarai, Kattankolathur,
Kancheepuram District - 603 203,
by Director. Respondent/Defendant.

This petition came up before me in this court for final hearing on 23.01.2023, in the presence of Thiru.E.Nandakumar, Advocate for the petitioner and Tvl.E.Reegan Amarasekaran, V.Manoharan and Rehana, Advocates for the respondent, upon perusing the entire records and having stood over for consideration till this day, this court delivers the following,

ORDER

This application is filed by the petitioner under Order 8 Rule 9 and Section 151 CPC, praying to permit the petitioner to file a reply statement to the written statement of the respondent / defendant.

2. The case of the petitioner in brief :

The petitioner filed the suit for recovery of a sum of Rs.42,40,500/- together with interest at 18% per annum for Rs.33,00,000/- from the date of claim till the date of realization. The defendant has filed a written statement with false and frivolous contentions besides disputing the lease agreement. The said lease agreements are supported by e-mail correspondence between the parties and therefore to set out those facts and rebut the contentions of the defendant, the reply statement is absolutely necessary. Hence, the petition to file the same.

3. The averments of counter filed by the respondent in brief :

The petitioner reiterate what he stated in his written statement is true and correct. Even on perusal of the document No.1 and 2 filed along with plaint shows that the document dated 17.7.2013 is engrossed on unstamped paper and is liable to be impounded under Section 33 of the Indian Stamp Act. The same cannot be used as evidence any purpose unless until pay the stamp duty and penalty provide under Section 35 of the Indian Stamp Act. In respect of document No.2 dated 1.6.2016 it is not only unstamped and also unsigned document. The petitioner stated e-mail correspondence between parties are available to establish relationship but it is not given details of e-mail and copy of the same. In the absence of any such documents fulfilled alone cannot be accepted. The petition only to fillup the lacuna. Hence, prayed for dismissal of petition.

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

5. Point :

This petition is filed by the plaintiff seeking to file reply statement for the written statement filed by the defendant. The written statement was filed on 22.01.2020. The plaintiff failed to file the reply

statement immediately after filing the written statement. However, the plaintiff should be given an opportunity to defend the allegations raised in the written statement. Hence, in the interest of justice the petition will be allowed on payment of Rs.500/- as cost to the respondent on or before 01.03.2023. Otherwise the petition stands dismissed.

6. As the result, the petition will be allowed on payment of Rs.500/- as cost to the respondent on or before 01.03.2023. Otherwise the petition stands dismissed. Call on 03.03.2023.

Dictated by me to the steno-typist, computerized by her directly, corrected and pronounced by me in open court, on this the 2nd day of February 2023.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.