

**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.

Wednesday the 16th day of August 2023

I.A.No.4/2021
in
O.S.No.39/2020

K.J.Vijay . . . Petitioner / Plaintiff.

/Vs/

M.Shekar . . . Respondent / Defendant.

This petition came up before me in this court for final hearing on 19.7.2023, in the presence of Thiru.N.Ravi, Advocate for the petitioner and Thiru.D.Amalraj, Advocate for the respondent, upon hearing the arguments of both side counsel, 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 / plaintiff under Order 8 Rule 9 CPC, praying to grant permission to file reply statement to the written statement and to receive the same.

2. **The case of the petitioner in brief :**

The defendant has filed the written statement wherein he had made certain derogative remarks solely with a view of malign the

petitioner's reputation and to seek for performance of the contract. The petitioner is an architect by profession and he is a respectable person who was never indulged in any extra judicial act as alleged by the defendant in the written statement. Since certain allegations have been made which may create a cloud and dent in the minds of the court with regard to the terms of the contract and also with regard to petitioner's conduct who is seeking performance of the contract and the petitioner is advised to file the present application seeking the permission of the court to file reply statement to the addition written statement as provided under Order 8 Rule 9 CPC, which deal with subsequent pleading after filing of the written statement by the defendant. Hence, the petition.

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

The petitioner / plaintiff has conveniently suppressed the entire facts and filed the above main suit with an intent to deceive the defendant and to grab the suit property and money by colluded and conspired with Mr. Shyam created a forged transaction of Rs.10,50,000/-. Now the petitioner / plaintiff deliberately filed this I.A.No.4/2021 to mislead the main suit and to prolong the case. If this petition is allowed, the petitioner / plaintiff would change the entire facts hence prejudice will be caused to the respondent / defendant. The petitioner / plaintiff has to prove his case during the trial proceedings. Hence, prayed for dismissal of petition.

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

5. Point :

This petition is filed to permit the petitioner / plaintiff to file reply statement for the additional written statement. The reason stated in the petition that in the additional written statement filed by the defendant, he alleged to have derogative remarks only to malign the reputation of the petitioner / plaintiff.

6. In the counter, the allegation in the petition is denied but contended this application is filed to drag the suit. This application filed in the year February 2021. Notice ordered on 18.2.2021 for the hearing 11.6.2021. On 31.10.2022 counter filed. Thereafter posted for enquiry on 25.11.2022. Arguments of both sides heard on the same day.

7. In the meantime on request the matter was referred to mediation for settlement. But no settlement reported, case was returned back to regular court on 19.7.2022. Thereafter arguments of both sides heard.

8. The petitioner / plaintiff prayed this court to receive reply statement. Reply statement filed along with this application to show bonafide. Defendant filed written statement as early as on 22.12.2020. The petitioner being a plaintiff ought to be cautious enough to proceed with trial

without delay as early as possible. If this petition is allowed, would not cause prejudice to respondent. Therefore, in the interest of justice and to reach complete adjudication this petition has to be allowed.

9. As the result, petition allowed.

Dictated by me to the steno-typist, computerized by her directly, corrected and pronounced by me in open court, on this the 16th day of August 2023.

Principal District Judge,
Chengalpattu.

Both side witnesses and exhibits :
Nil.

Principal District Judge,
Chengalpattu.