

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V.Devapriya, B.Sc., M.L.,

District Munsif, Madurantakam

Thursday, the 26th day of September, 2024

I.A.No.2/2024

in

O.S.No.12/2023

1. A.Balkis

2. J.Aariff

3. J.Althaf

4. J.Aabith

...Petitioners/Defendants

-vs-

S.Jalal

...Respondent/Plaintiff

This petition coming up before me on 10.09.2024 for final hearing in the presence of, Thiruvalargal S.Sathiya and Selvam, counsels for Petitioners/Defendants and Thiruvalargal.M.Tamilmaran, V.Selvakumar and N.Sakthimurugan, counsels for Respondent/Plaintiff and after hearing the arguments on both sides and upon perusing the materials placed on record and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioners/Defendants under Order VIII Rule 9 of Code of Civil Procedure, to additional written statement.

2.The averments stated in the petition, in brief :

The Petitioners/Defendants had already filed the written statement in the above

suit. While cross examining the Respondent/Plaintiff side witness, the Petitioners/Defendants came to know that the certain vital facts of the case has been left out. Hence the petition.

3. The averments stated in the counter filed by the Respondent/Plaintiff, in brief:

This petition is not maintainable in law and on facts. The averments in the affidavit are false. The averments in the written statement are not relevance to decide the issues involved in the suit. The additional statement is filed only to delay the proceedings and frustrate the Respondent/Plaintiff. Hence this petition is liable to be dismissed with costs.

4. The point for determination is whether this petition is to be allowed or not?

5. No exhibits were marked and no witnesses were examined on both sides.

6. Heard both sides and perused the records.

7. The Petitioners/Defendants had filed this petition to receive the additional written statement. The Respondent/Plaintiff resisted the petition stating that the averments in the written statement are not relevant to decided the issues involved in the above suit. The Petitioners/Defendants had stated that while cross examining Respondent/Plaintiff side witness, they came to know that certain vital facts of the case has been left out. The Respondent/Plaintiff had not stated any fact with regard

to the prejudice being caused to him. The objections raised by the Respondent/Plaintiff cannot be decided in this petition. The above suit is in the stage of cross examination of PW1 and the same was not yet completed. Hence no prejudice will be caused to the Respondent/Plaintiff. The above suit is in the preliminary stage of trial. Hence, in the interest of justice and to avoid multiplicity of proceedings, this court is inclined to allow this petition on costs.

8. In the result, this petition is allowed on costs of Rs.500/- to be paid by the Petitioners/Defendants to the Respondent/Plaintiff on or before 03.10.2024, failing which, this petition will be automatically dismissed. Call on 03.10.2024.

Dictated to the Stenographer, transcribed and typed by him and corrected and pronounced by me in open court on this the 26th day of September, 2024

District Munsif
Madurantakam

Petitioners side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

District Munsif
Madurantakam