

In the Court of the Principal Subordinate Judge of Palani.

Present: Thiru. K. Hariharan, M.L.,

Principal Subordinate Judge, Palani.

Tuesday, 7th day of June 2022.

I.A. No. 57/2021

in

O.S.No.35/2020

Ganesan

... Petitioner/3rd defendant

/Vs/

Murugesan

... Respondent/Plaintiff

This petition is coming on 05.04.2022 for final hearing before me in the presence of Thiru.K.Thirumalaisamy, Thiru.M.Manikannan, Thiru.V.Veerakumar, Thiru.M.Sundharapandian and Thiru.B.Muthuselvam the learned counsels for the petitioner, Thiru.R. Krishnan, the learned counsel for the respondent and upon hearing both side arguments and perusing the records and having stood over for consideration till this day, this court passed the following:

//ORDER//

The petition has been filed by the petitioner seeking to file the additional written statement along with documents under Order 8, Rule 1(A) and Section 151 of CPC.

2. **Petition averments which are found essential for the disposal of the petition is that :**

It is mentioned that at present the main suit is pending at the stage of filing of written statement by 4th defendant. At present the petitioner/3rd defendant seeks to

file additional written statement along with additional documents. It is mentioned by the petitioner that due to COVID infection the petitioner was unable to file the written statement and mentioned that after knowing the same the present petition is mentioned to have been filed and sought to allow the petition.

3. The respondent has filed the counter. Further it is the contention that the additional written statement ought to have been filed before 11.3.2020 and mentioned that the additional written statement have been filed with delay. Further it is mentioned that the additional written statement could be filed only as the counter claim or as set of and sought to dismiss the petition.

3. Point for determination is whether the petition could be allowed ?

4. **Point :**

The suit has been filed in the year 2020. Yet the written statement of the 4th defendant has not been filed in the suit. In the circumstances after entering through a separate counsel by D3, D3 as a petitioner in this petition has sought to file additional written statement. Considering the preliminary stage of the suit and the parties are parted to be the substantial justice this court considers that the petition could be allowed.

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

Dictated to the Steno-Typist, transcribed by her, corrected and pronounced by me, this 7th day of June 2022.

Prl. Sub Judge,
Palani.

Petitioner and respondent side witnesses and documents: Nil.

Prl. Sub Judge,
Palani.