

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Thursday, the 13th day of November 2025

I.A No.09/2025 in O.S No.20/2018

1) K.Vasu

2) V.Karthik

...Petitioners/Plaintiffs

- Vs -

1) Sivakumar

2) K.Ravi (exonerated)

3) P.Rani

...Respondents/Defendants

This petition has come up for final hearing on 30.10.2025 before this Court in the presence of Mr. R.M.Senthil, the Learned Counsel appearing for the Petitioners and Respondent No.2 is exonerated and in the presence of Mr. R.M.Sivakumar, the Learned Counsel appearing for the Respondent No.1 and in the presence of the Mr. V.R.Balasubramanian, the Learned Counsel appearing for the Respondent No.3, upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed under section 151 of CPC seeking permission of this court to receive the reply statement on the side of the Plaintiffs in the above suit.

Brief averments in the plaint:

2) The 1st Petitioner is the 1st Plaintiff in the above suit and the 2nd Petitioner is the son of the 1st Petitioner. The above suit has been filed by the Petitioners/Plaintiffs for the relief of Permanent Injunction against the Defendants/Respondents. The above suit was posted for trial and upon perusal of the written statement filed by the 1st

Defendant in which the 1st Defendant had introduced the settlement deed in this case, for which the Petitioner wants to raise his objections by way of filing his reply statement which is necessary. The Petitioners are not deliberate and not wanton in not filing the reply statement at the earlier point of time. No prejudice will be caused to the Respondents by allowing this petition. If this petition is not allowed, the Petitioners will be greatly prejudiced and put to serious loss and hardships. Hence, this petition.

Brief averments in the counter filed by the 1st Respondent:

3) All the allegations raised in the affidavit filed in support of the petition are denied as false, frivolous, vexatious and mischievous. The Petitioner is put to strict proof of each and every allegation except that has been specifically admitted by this respondent.

4) After framing of issues, an application to receive the reply statement is not maintainable, particularly in a situation where the statement was filed long back and this case is posted in the list for trial. Even after filing of the written statement, the Petitioners/Plaintiffs filed several Interlocutory Applications in different nature which were dismissed by this Court.

5) Now, as an attempt to frustrate and prolong the case, the Petitioner has come up with this petition. The Perusal of the reply statement intended to be filed before this Court would reveal that it is the bare denial of the averments raised in the written statement. This petition is not maintainable more so at a belated stage or when there is no counter claim.

6) The Petitioner can very well deny the allegations in the chief affidavit during trial and reply statement is not required separately. The law is well settled that the litigant who raised averments is bound to prove the same and in such way, the averments raised in the written statement has to be proved by the Respondents, even if it is not denied by the opposite party. This petition is a deliberate attempt to pull on

the proceedings without letting the case to reach its finality. Therefore, this petition is liable to be dismissed with costs.

Brief averments in the counter filed by the 3rd Respondent:

7) All the allegations contained in the affidavit are false and denied except those that are specifically admitted. This petition is legally not maintainable. The allegations raised by the Petitioners for seeking permission of this Court to file reply statement is without any legal basis. The Petitioners want to introduce a new case by way of the reply statement which is legally not permissible. The suit was posted for trial in the list on 04.10.2023 and which was dismissed for default on 31.10.2023. Once again the suit was posted on 10.01.2024 for trial after restoration. At that time the Petitioners have filed a petition under Order 1, Rule 10 in I.A.No.06/2024 which was also dismissed after contest on 12.11.2024. Once again the suit was posted for trial from 25.04.2025.

8) There are no merits in this petition. This petition is filed by the Petitioners without any legal basis with an intention to delay and drag on the proceedings. Hence, this petition is liable to be dismissed.

Point for determination:

9) Whether this petition is entitled to be allowed or not?

Evidence:

10) There is no oral and documentary evidence adduced on either side.

Discussion:

11) Heard both sides. Perused records. Upon perusal of records, it is seen that the Petitioners/Plaintiffs have filed the above suit for Permanent Injunction in respect of the suit property against the Respondents/Defendants. Admittedly, this suit was filed

in the year of 2018 by the Petitioners/Plaintiffs and after framing of issues by this Court, the above suit was posted for trial on 04.03.2020 and thereafter on several hearings. It could also be seen that despite several opportunities given to the Plaintiffs, on 04.10.2023 the above suit was posted for trial list and even thereafter, the Plaintiffs did not turn up for proceeding with the above suit and hence the above suit was dismissed for default of the Plaintiffs by this Court on 31.10.2023.

12) It is also seen that on 05.01.2024 the above suit was again restored by this Court by way of allowing the restoration petition filed on behalf of the Plaintiffs and again the above suit was posted for trial list case. Thereafter, again the Petitioners/Plaintiffs have filed a petition under Order 1, Rule 10 of CPC in I.A.No.06/2024 and the said petition was also dismissed by this Court on 12.11.2024 and again the above suit was posted for trial list.

13) Even after that, a petition under section 151 of CPC has been filed by the Petitioners/Plaintiffs in I.A.No.07/2024 seeking the permission of this Court to remove the above suit from the list and the same was allowed by this Court on 06.12.2021 and again the suit was posted for trial. Pending the same, this petition has been filed by the Petitioners/Plaintiffs on 11.06.2025 seeking permission of this Court to receive the reply statement on the side of the Plaintiffs.

14) It is the contentions of the Petitioners/Plaintiffs that the 1st Defendant in the above suit had introduced a settlement deed in this case for which the Petitioners wanted to raise their objections by way of filing their reply statement, which is necessary for their case and hence, they have come forward to file this present petition. They also contended that the non filing of the reply statement at the earlier stage was not wanton and desperate on the side of the Petitioners. Hence, they sought the permission of this Court to receive the reply statement.

15) Per contra, the major objection that has been raised on the side of the 1st Respondent is that after framing of issues an application to receive the reply

statement is not maintainable and particularly in a situation where the written statement was filed long back. They also contended that a bare denial of the averments raised in the written statement is not maintainable more so at a belated stage and when there is no counter claim. They further alleged that it is a deliberate attempt by the Petitioner to pull on the proceedings without letting the case to reach its finality.

16) On the other hand, the major objections that has been raised on the side of the 3rd Respondent is that the Petitioners want to introduce a new case by way of reply statement which is legally not permissible. They also alleged about how the above suit was kept pending for so long due to the deliberate acts of the Petitioners and hence, sought this Court to dismiss this petition.

17) Upon careful consideration of the submissions made on both sides, this Court is of the view that without going into the merits and contentions of the reply statement, it is necessary that every parties must be given opportunity to be heard their respective cases. As rightly pointed out by the learned counsel for the 1st Respondents every facts alleged by every party must be proved by them only, even though there is no specific objection made on the other side. On this way, this Court thinks that the Petitioners/Plaintiffs are bound to prove the facts contained in their reply statement and the same has to be decided on merits only after giving opportunities to both parties and after a complete and fair trial of the above suit. Therefore, this Court is inclined to allow this petition, only to meet out the ends of justice.

18) However, this petition has been filed after so long period of time which this Court considers unreasonable and there is no proper reason stated on the side of the Petitioners for such delay in filing their reply statement. However, such technical irregularities have to be avoided for rendering complete justice to both the parties in the above suit. This Court also ensures that if this petition is allowed, the Respondents would no way get prejudiced. However, this petition has been filed

with an unreasonable and unusual delay which this Court thinks that the Respondents have been put to much inconveniences for the delay caused on the side of the Petitioners in filing this petition, in order to seek permission from this Court to file their reply statement. Hence, to balance the equities, this Court deems it fit to impose cost on the Petitioners as a condition for allowing this petition.

Result:

In the result, with the above observations, this petition is allowed. The Petitioners are hereby directed to pay a cost of Rs.500/- each to the Respondents No.1 and to the Respondents No.3 on or before 19.11.2025, failing which this order shall stand automatically vacated.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the computer, corrected by me and pronounced by me in the open court on this the 13th day of November 2025.

**Additional District Munsif,
Kulithalai.**

Petitioners side witness and documents	-	Nil.
Respondents side witness and documents	-	Nil.

**Additional District Munsif,
Kulithalai.**