

In the Court of the Principal District Judge, Madurai
Present: Thiru. S. Sivakadatcham, B.Sc., M.L.,
Principal District Judge, Madurai

Tuesday, this the 19th day of August, 2025

I.A.No.1/2025
in
COS No.12/2024

M/s. Visvas Promoters Private Limited
Represented by its Managing Director,
Mr. Sankara Iyer Seetharaman.

... Petitioner/Plaintiff

/Vs/

The Mahalakshmi Textile Mills Limited,
Represented by its Managing Director,
Mr. Lakshmanan Alagusundaram.

... Respondent/ Respondent

This petition coming on 03.07.2025 for hearing before me in the presence of Thiru.S. Parthasarathy, Advocate for the petitioner and of Thiru.J. Bharathan, Advocate for the respondent, upon hearing both sides and having stood over for consideration till this day, this court delivered the following:-

ORDER

The petitioner has filed this petition under Order 8, Rule 9 of C.P.C. to permit the petitioner/plaintiff to file a rejoinder in this suit.

2. The averments in the affidavit filed along with petition are briefly as follows:-

The respondent/ defendant has filed a written statement with untenable facts and taking objections on legal front, which has necessitated the petitioner

to file a Rejoinder. So, the petitioner wants to file rejoinder. The Rejoinder of the petitioner does not alter the cause of action in the present suit, nor does it present any new facts. The Rejoinder would only respond to the misconception of facts on the part of the respondent/ defendant. The respondent will not be prejudiced if the present petition is allowed and the rejoinder is taken on record. Hence, this petition is filed for seeking permission to file rejoinder.

3.. The averments in the counter affidavit filed by the respondent are in brief as follows:-

The petitioner/plaintiff has filed the main suit praying for a preliminary decree directing the respondent/defendant to render true and proper accounts from its books as filed before the Registrar of Companies, Chennai from 13.10.2004 till the date of the preliminary decree with respect to the transactions with him thereby to ascertain the amount to be paid by the respondent/ defendant to the petitioner/plaintiff and direct the respondent to pay the petitioner the ascertained amounts with interest and for costs. The respondent deny the allegations in the affidavit filed in support of the petition to receive reply statement as false and fraudulent. This petition is not maintainable either on facts or in law. The petitioner suppressed many material facts and hence, this petition is liable to be dismissed. In the reply statement enclosed along with the petition, the petitioner/ plaintiff had repeated the very same averments in the plaint. He had not stated any other fact except the facts which are pleaded by him in the plaint. When the petitioner/ plaintiff had already made requisite

pleadings, the reception of the reply statement is totally unnecessary. The petitioner/ plaintiff need not file the reply statement for simply refuting the averments in the written statement. So, the reception of the reply statement is an unnecessary exercise carried out by the petitioner/ plaintiff.

4. The point for determination:

Whether this petition is allowable or not?

5. Both side have not adduced either oral evidence or documentary evidence.

6. Point:

The learned petitioner's counsel advanced argument that the petitioner plaintiff filed the main suit for preliminary decree for rendition of accounts and for recovery of ascertained amount with interest against the respondent on various averments. It is further contended that the respondent filed written statement mentioning untenable facts and also taking objections on legal front, so the petitioner wants to file rejoinder, hence, the petitioner may be permitted to file rejoinder.

7. The learned respondent's counsel contended that the petitioner has made all requisite pleadings in the plaint, the same averments in the plaint have been pleaded in present rejoinder and the petitioner has not stated any other facts except which were pleaded in the plaint, so the reception if reply is totally unnecessary.

8. Records perused. The petitioner has filed the main suit against the respondent "*for passing preliminary decree directing the defendant to render*

true and proper accounts from its books as filed before the Registrar of Companies, Chennai from 13.10.2004 till the date of the preliminary decree with respect to the transactions with the plaintiff thereby to ascertain the amount to be paid by the defendant to the plaintiff and direct the defendant to pay the plaintiff the ascertained amounts with interest at 18% per annum from the date of initial payment made by the plaintiff to the defendant, till realization.” The plaintiff made averments that the defendant approached the plaintiff company seeking for settling all the dues that occurred over time from the year 2006 and when the defendant was retrieved from the hands of the Official Liquidator in C.P.No.68 of 1985 by the Hon’ble Madras High Court in its order dated 22.12.2006, the defendant entered into memorandum of undertaking dated 13.10.2004 with one Subramaniam towards the said arrangement. It is further averred that on the basis of same the plaintiff advanced huge amounts to the defendant, for settling the dues, but the defendant has not repaid the same even after unconditionally agreeing to convert the advances as loans. So, the plaintiff filed the suit for rendition of accounts. On perusal of records, the defendant appeared through counsel and filed written statement on 22.01.2025. Now, the petitioner side contended that the written statement contain untenable facts and objections o legal front, so the petitioner wants to file rejoinder. On perusal of counter, no serious objections raised except the objection that the proposed rejoinder is replica of plaint averments. The written statement is filed on 22.01.2025 and when the suit is pending for framing of issues, the petition is

filed on 04.03.2025. It is settled proposition of law each and every party has to be given opportunity to substantiate their case and also each pleading has to be proved by adducing relevant evidences. So, the respondent will not be prejudiced by allowing the petitioner to file rejoinder. Therefore, considering the facts and circumstances, in the interest of justice and also in order to avoid multiplicity of proceedings, this court is inclined to allow this petition. The point is answered accordingly.

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

Dictated to the stenographer, transcribed by him, corrected and pronounced by me in open court this the 19th day of August, 2025.

Principal District Judge,
Madurai.

List of witnesses examined:-

Petitioner side – Nil

Respondents side – Nil

List of documents marked:-

Petitioner side – Nil

Respondents side - Nil

Principal District Judge,
Madurai