

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.

Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munsif, Vadipatti

Dated 18th day of February 2025

IA. No.1 / 2024

In

O.S. No.6 /2020

1. Malaichamy,
S/o. Rasu
2. Rakku,
W/o. Malaichamy
3. Ramu,
S/o. Malaichamy
4. Muthulakshmi,
W/o. Ramu
5. Sundar,
S/o. Malaichamy
6. Meena,
W/o. Sundar
7. Vinoth,
S/o. Ramu
8. Aarthi,
W/o. Vinoth

---- *Petitioners / Defendants*

//Versus//

Bose,

(Administrative Officer of Vennimuthu Ayyanar Temple)

---- **Respondent / Plaintiff**

This petition was filed before this Court on 28.08.2024 coming before me for final hearing on 18.02.2025, Advocate Thiru. M. Venkatesan appeared for the Petitioners / Defendants and Advocate Thiru. K. Ramanathan appeared for the Respondent / Plaintiff. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. The petitioner had filed this petition under order 8 rule 9 to grant permission to file additional written statement in the main suit.

2. **Petitioner averments in brief:**

The petition contention was that the petitioner was the defendant in the main suit and the main suit was filed by the respondent / plaintiff for permanent injunction. Further contended that this petition was filed to permit the petitioner / defendant to file additional written statement by stating the previous counsel appeared on behalf of the defendant was filed the written statement without adding the entire facts conveyed by the defendants. Hence, the petitioners filed this petition to permit the petitioners / defendants to file additional written statement.

3. **Counter averments in brief:**

In the counter, the respondent denied all facts in the petition and contended that in the main suit previously many applications were filed and were disposed, in such

circumstance, the petitioners alleging as many facts were left out in the written statement was not acceptable. The petition was unlawful and with false facts. The facts mentioned in the petition to file additional written statement was misleading the court. Allowing this petition would cause hardship to the respondent. Thus, this petition must be dismissed.

4. **THE POINT FOR CONSIDERATION IS THAT:** Whether the petition is liable to be allowed or not?

i. Heard both sides and records perused. The learned counsel for the petitioners / defendants pleaded that the petition was filed to permit the petitioners to file additional written statement in the main suit by stating that the previous counsel appeared for the petitioner filed the written statement in the main suit without including the entire facts of the defendant's case.

ii. On the other hand, the respondent denied all the facts of the petition and stated that this petition was filed only to drag on the suit proceedings. Further defend that the suit was filed in the year 2020. After 5 years the petitioners / defendants filed this petition to permit them to file additional written statement in the main suit is illegal and the petition filed by the petitioner is liable to be dismissed.

iii. **Order 8 rule 9 of CPC says;**

“ 9. No pleading subsequent to the written statement of a defendant other than by way of defence to a set-off counter – claim shall be presented except by leave of the court and upon such terms as the Court thinks fit, but the court may at any time require a written statement or additional written statement from any of the parties and fix a time for presenting the same.”

iv. In pursuance to the above provision, it is clear that no subsequent pleading shall be filed, after written statement was filed in the main suit. Here admittedly the suit was pending for trial. This petition was filed on the main ground that the petitioners previous counsel had omitted to add all the facts in the written statement. Hence this petition was filed praying leave to file additional written statement. The trial was not yet started in the main suit, the pleadings are subject to proof in the main suit and the reason stated by the petitioners is convincing. Hence in the view of the above discussions this court is inclined to permit the petitioners to file additional written statement. Since the additional written statement was filed after 5 years, this petition is allowed on costs.

5. **In the result**, this petition is allowed on cost of Rs.3,000/-. Cost shall be paid to the respondent on or before next hearing of the main suit.

Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 18th day of February 2025.

District Munsif,
Vadipatti.

Petitioners side evidence and documents : Nil

Respondents side evidence and documents: Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT

Vadipatti

Fair Order/~~Draft Order~~

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Date : 18.02.2025