



*Fair Order / ~~Draft Order~~*

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

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

District Munisf, Vadipatti

**Dated this the 05<sup>th</sup> day of December 2025**

**CNR No. TNMD190000742020**

**IA. No.2/2025**

**In**

**O.S. No.53/2020**

\*\*\*\*\*

1. Muthu (Died),  
S/o.Late. Palaniyandi
2. Murugesan,  
S/o. Late. Palaniyandi
3. Malaiyalam,  
S/o.Late. Palaniyandi
4. Moorthy,  
S/o. Muthu
5. Arun,  
S/o. Muthu
6. Prabhu,  
S/o. Muthu
7. Padhma @ Padhmavathi,  
W/o. Late. Muthu

---- Petitioners / Defendants

***//Versus//***



1. Ungusamy,  
S/o. Late. Durairaj Ambalam

---- Respondent / Plaintiff

This petition was filed before this Court on 25.10.2025 coming before me for final hearing on 05.12.2025, Advocate Thiru. V. Arichandran appeared for Petitioners / Defendants. Advocate S. Anandchandrasekar 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 R 1 (A) and sec.151 of CPC to receive additional written statement.

2. **Petitioner averments in brief:**

The relevant portion of the petition in brief was that the petitioners were the defendants in the main suit. The main suit was filed by the respondent / plaintiff for declaration and permanent injunction. The suit was pending for cross examination of plaintiff. At present the petitioner found certain documents, which can resolve the dispute over the title of the suit property. Hence to mark those documents, it is necessary to file additional written statement. Thus, the petitioners filed this petition to receive additional written statement to prove their case.



3. **Counter averments in brief:**

The respondent / plaintiff denied all the averments of the petition and further contented that the main suit was filed in the year 2020. But the petitioner had filed petition to receive additional written statement after a long delay, only to prevent this petitioner from obtaining the decree in respect of the suit property. No reason has been explained in the petition for the delay in filing this present petition. Therefore this petition filed only to delay the suit proceedings. Thus the petition is liable to be dismissed on costs.

4. Both side parties did not file any evidence on their side.

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

i. Heard both sides and records perused. This petition was filed to permit the petitioner / defendant to file additional written statement in the main suit. The case of the petitioner was that the petitioner had found certain documents at present, that were relevant to the suit property for proving his claim and sought to mark those documents on the defendants side. These documents were not in the hands of the petitioner at the time of filing written statement. Thus the petitioners filed this petition seeking leave to file additional written statement.

ii. On the other hand the respondent deny the petition by stating the petitioner filed this petition only to delay the suit proceedings as this petition to file additional written statement was filed only after plaintiff side evidence was over. At present the



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suit is in the stage of defendant side evidence. Thereby additional written statement is not necessary in this suit at this stage. Thus the petition is liable to be dismissed.

iii. Regarding the relief of receiving additional written statement, our **Hon'ble High Court in E.O. MOHAMEED ALI V. DESSI AMMAL ALIAS JESSIMA BEEVI in CRP. (MD) No.2045 of 2008 dated 21.07.2009 has held that,**

*“7. It is well settled principle of law as held by judgments referred by the learned counsel for the petitioner that an application seeking the filing of additional written statement will have to allowed liberally and in the interest of justice. In the present case, the Court below has not given any finding that the stand taken in the additional written statement is inconsistent or mutually destructive. The only reason for rejection is that of delay and introducing a new case. A reading of the written statement filed earlier and the additional written statement filed would show that no inconsistent stand has been taken, but what is sought to be introduced in the additional written statement is the facts which has not been mentioned earlier in the written statement. In such a contingency, it cannot be said that the application filed by the petitioner would prejudice the interest of the respondents. Ultimately the suit is to be decided on the basis of the evidence both documentary and oral to be adduced by the parties. Hence in order to adjudicate the dispute between the parties full hearing coupled with proper opportunities should be given to the parties. The delay in filing the application itself cannot be a ground for rejection, more so when the petitioner is not able to get those particulars earlier.”*

Thus in the light of the above judgment the additional written statement filed by the defendant in the main suit shall be received, if additional written statement is not contradictory to the earlier written statement.



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iv. Admittedly, this petition was filed for receiving additional written statement of the defendant in the main suit, on the ground that the petitioner / defendant had found certain documents in respect of the suit property. Thereby the petitioner filed this present petition to file their documents through the additional written statement. On the other hand, the respondent denied all the contention of the petitioner and contended that this petition was filed after long delay, to drag on the suit proceedings. Further in the light of the judgment of our Hon'ble High Court as referred above the petition for filing additional written statement can be allowed liberally on the ground if there was no contradiction to the earlier written statement filed by the defendant in the main suit. The petitioner had not raised any plea about the contradiction between the earlier written statement and the proposed additional written statement of the petitioner. Also comparing the earlier written statement and the proposed additional written statement, they do not show any contradiction in the pleadings. Hence this court found that allowing this petition would not cause prejudice to the respondent in proceeding his case. As this additional written statement was filed after starting of trial during the cross examination of Pw.1, this court is inclined to allow this petition on cost of Rs.2000/-.

6. **In the result**, this petition is allowed, on cost of Rs.2000/-. Cost shall be paid on or before the next hearing of the main suit.

*Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 05<sup>th</sup> day of December 2025.*

District Munsif,  
Vadipatti.

**Petitioner side witness and documents: Nil**



**Respondents side witness and documents: Nil**

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**Date : 05.12.2025**