

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.

Thursday, this the 5th day of February 2026

I.A.No.1/2022
in
O.S.No.11/2021

1. Sardar Khan Sahib

2. Afroz Khan

..... Petitioners/Defendants 1 & 2.

-Vs-

1. M. Mohan

.....Respondent/Plaintiff.

2. A. Kamaluddin

3. K. Anisha Banu

4. K. Mohamed Jagangir

.....Respondents/defendants 3 to 5.

This petition is coming before me for final hearing on 02.02.2026 in the presence of Thiru.R.John Solomon Raju, Advocate for Petitioners and Thiru.J.Radhakrishnan, Advocate for the 1st respondent and Thiru.R.Saravanan, Advocate for the respondents 2 to 4 and upon hearing the arguments of 1st respondent and no representation for petitioners at the time of arguments and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following;

ORDER

The petitioners 1 & 2/defendants 1 & 2 have filed the application under order 8 Rule 9 of CPC., seeking permission to receive the additional written statement on their side.

1. The 2nd petitioner/2nd defendant has filed an affidavit for himself and on behalf of the 1st petitioner/1st defendant in support of the application stating that the plaintiff has filed the above suit for declaration and recovery of possession

and the written statement of defendants 1 & 2 was already filed; after framing of issues, the plaintiff was examined as PW1 and only when the case was posted for cross examination of PW1, it was found that the description of property given by the plaintiff in the suit schedule does not correlate with supportive documents filed by the plaintiff and it was also found that some legal aspects were not raised in the earlier written statement filed by the defendants 1 & 2 and hence it is necessary to file additional written statement on their side.

2. The 1st respondent/plaintiff has filed a counter contending that the defendants have already filed a detailed written statement and they have now filed the additional written statement with the same averments which are available in their earlier written statement and the defendants have filed the application at the stage of cross examination of PW1 only to drag on the proceedings.

3. Point for determination is :-

Whether the application filed by the defendants 1 & 2 seeking permission to receive additional written statement is deserved to be allowed?

4. Point :- a) The plaintiff has filed the above suit for the relief of declaration of title and recovery of possession of the suit property as against the defendants 1 to 5. During the pendency of the suit, the 1st defendant died and hence the 6th defendant was impleaded by the plaintiff as per order of this court in I.A.No.4/2025 dated 01.09.2025. The defendants 1 & 2 have filed their written statement in the above suit as early as on 13.09.2021 itself and the trial of the suit was commenced on 11.07.2022 with the examination of the plaintiff as PW1. The defendants 1 & 2 have filed the present application on 22.08.2022 seeking permission to receive the additional written statement. Before analyzing the merit in the application, it is pertinent to be noted here that the 1st defendant died on 06.09.2024 itself leaving behind him, the 2nd defendant and 6th defendant as his legal heirs. The plaintiff has promptly taken steps to implead the 6th defendant in the suit after the death of 1st defendant. But the 2nd defendant who has filed the present application has not taken any steps either to record the factum of death of

the 1st defendant or to implead the one another legal heirs of the deceased 1st defendant, who has been impleaded in the suit as 6th defendant. Further even after sufficient time granted to the 2nd petitioner, counsel for the 2nd respondent did not appear and not put forth any arguments on their side.

b) It is also to be noted that the additional written statement which has been filed along with the present application has not been signed by the defendants 1 & 2 and the counsel for the defendants 1 & 2 has also not signed in the additional written statement. The unsigned additional written statement cannot be received.

c) It is to be noted that the defendants 1 & 2 have filed this application on specific grounds that the documents produced by the plaintiff are not related to the suit property and the defendants had omitted to mention some legal aspects in the earlier written statement and hence it is necessary for them to file additional written statement. The 1st respondent/Plaintiff has denied the allegation of the petitioners that the documents produced by them are not related to the suit property. It is to be noted that whether the documents produced by the plaintiff are related to the suit property or not can be determined only after completion of trial. The reasons given in the affidavit of the 2nd defendant for filing additional written statement are not valid and sufficient. There is no merit in the application. The belated application at the stage of cross examination of PW1 cannot be entertained without any valid reasons. In the above circumstances, the application is liable to be dismissed. This point is answered accordingly.

In the result, the application is dismissed. No cost.

Dictated by me to the Steno-typist transcribed and typed by her in the computer, corrected and pronounced by me in the open court, on this the 5th day of February 2026.

I Additional District Judge,
Ranipet.