

IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE, SALEM.

PRESENT: Thiru. R.Velaras, B.Sc., B.L., L.L.M.,

I Additional District Judge, Salem,

Tuesday, the 29th day of July, 2025

I.A.No.7/2025

in

O.S.No.81/2014

G.Ranga Jothiprakash

.... Petitioner/plaintiff

/ Versus /

1. R.Vijayakumar (died)
2. R.Gopalakrishnan
3. V.Moganasundari
4. R.Sornalatha
5. K.Poornimadevi
6. R.Ranga Karthikeyan

..... Respondents/Defendants

This petition is coming on 10.07.2025 before me for final hearing in the presence of Thiru.K.N.P.Ragunathan, learned counsel for the Petitioner and Thiru.V.Manikandan, learned counsel for the Respondents 3 to 6 and the Respondents 2 & 3 are called absent and set exparte, upon hearing the both and having stood for consideration till date, this court delivered the following.

ORDER

This petition has been filed by the petitioner under Order 8 Rule 9 of CPC to receive the reply statement filed by the petitioner/plaintiff.

2. **The brief facts of the Affidavit is as follows:-**

The petitioner is the plaintiff in the above suit. The petitioner/plaintiff seeking the relief to Partition, Separate possession and Permanent Injunction against the respondents/defendants. Originally the petitioner has filed the suit against the 1st respondent and subsequently added the 2nd respondent to avoid technicalities. While

so, the 1st respondent died leaving behind him the respondents 3 to 6 as his legal heirs. Hence, the petitioner have impleaded respondents 3 to 6 also as defendants 3 to 6 in the suit. The respondents 3 to 5 are daughters and the 6th respondent is the son of deceased 1st defendant. The respondents 3 to 5 filed memo admitting the suit claim and also claimed 3/8 shares for themselves and also paid court fee for their share. While so the 6th respondent filed the written statement on 14.06.2024 making certain allegations and disputing the rights of parties. The petitioner herewith filed the reply statement, which is not contra to the plaint allegations. Hence, the petitioner has come forward with the present petition to receive the reply statement.

3. The respondents/defendants 3 to 5 were endorsed no counter. The respondents / defendants 2 and 6 are called absent and set exparte.

4. Now the point for consideration is:-

Whether this petition is liable to be allowed or not?

5. Point:-

Heard the rival submissions and perused the materials available on records. On perusal of above would divulge that the petitioner herein is the plaintiff in the suit and the suit has been filed by the petitioner/plaintiff seeking the relief of Partition, Separate possession and Permanent Injunction against the respondents/defendants and the same is pending for the plaintiff's side evidence. At this juncture, the petitioner has come forward with the present petition to receive the reply statement.

6. The petitioner would contend that in order to prove the fact that originally the petitioner has filed the suit against the 1st respondent and subsequently added the

2nd respondent to avoid technicalities. While so, the 1st respondent died leaving behind him the respondents 3 to 6 as his legal heirs. The respondents 3 to 5 are daughters and the 6th respondent is the son of deceased 1st defendant. The respondents 3 to 5 filed memo admitting the suit claim and also claimed 3/8 shares for themselves and also paid court fee for their share. While so, the 6th respondent filed the written statement on 14.06.2024 making certain allegations and disputing the rights of parties. The petitioner herewith filed the reply statement, which is not contra to the plaint allegations.

7. Considering the facts and circumstances and taking into account that an opportunity has to be given to the petitioner to deny the averments of the Defendants. Therefore, this court is inclined to allow the petition.

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

Dictated to the Steno-typist, directly typed by her corrected and pronounced by me in open court on this the 29th day of July, 2025.

(Sd/-R.Velaras)
I Additional District Judge,
Salem.

Annexure : NIL

(Sd/-R.Velaras)
I Additional District Judge,
Salem.