

IN THE COURT OF THE III ADDITIONAL DISTRICT COURT, SALEM.

Present: Tmt. L.Kalaivani, BA.,B.L.,

III Additional District Judge, Salem.

Wednesday, the 12th day of March 2025.

I.A.2/2024

in

O.S.616/2023

M.Deepa

...

Petitioner/ Plaintiff

/vs/

M.Madheswaran

...

Respondent/Defendant

This petition is coming on 27.02.2025 before me for final hearing in the presence of Thiru.C.Veluganeshan, learned counsel for the petitioner/ plaintiff and Thiru.A.Viswanathan, learned counsel for the respondent/plaintiff, upon hearing both their arguments and having stood for consideration till date this court delivered the following:-

ORDER

The petitioner has come forward with the present petition under section 151 of CPC seeking to receive the reply statement.

1.The averments in the petition is as follows:

The petitioner herein is the plaintiff in the suit and suit has been filed by the petitioner seeking the relief of cancellation of settlement deed and other consequential reliefs. The respondent is the husband of the petitioner, who had filed a written statement in the suit on 29.01.2024 with false allegations. Therefore, it is necessary for the petitioner to file a reply statement to deny the allegations made in the written statement. Hence, the present petition seeking permission to file reply statement.

2. The counter filed by the respondent/plaintiff is as follows:

Denied and decried all averments made in the petition and affidavit except those are specifically admitted. Allegations in the reply statement that the settlement deed dated 14.07.2023 is created falsely by the respondent/defendant by defrauding the petitioner/plaintiff is false. In fact, the petitioner has executed the gift settlement deed out of her Will and affection towards the respondent/defendant. Now, the petitioner alone living separately as per her wish and as a mother the petitioner not even fulfill the basic needs of the children and she has never taken care of the family. The settlement deed stands in the name of the respondent and his minor children and thus, they have to be added as parties to the suit. There are no merits in the petition. Hence, it is prayed for dismissal.

3. Now the point for consideration is:

Whether the petition filed by the petitioner is liable to be allowed? or not?

4. Answer to the point:-

This petition has been filed by the petitioner who is the plaintiff in the suit seeking permission to file reply statement. It is the contention of the petitioner that the respondent who is her husband has filed written statement with false allegations. Therefore, to rebut the allegations in the written statement, it is necessary for her to file reply statement. Per contra, the respondent would contend that the petitioner alone executed the settlement deed as per her own Will and there are no merits in this petition.

5. Having regard to the rival submissions it is noted that the case is posted for framing of issues after filing the written statement by the respondent. The reason stated in the petition is valid and acceptable and the

valid right of the petitioner can not curtail. An opportunity has to be given to the petitioner to put forth her case. For the foregoing reasons this court inclined to allow this petition.

In the result this petition is allowed. No cost.

Dictated by me, to the Steno Typist, transcribed and computerized by her, corrected by me and pronounced in the open court, on this 12th day of March 2025.

(Sd/-L.Kalaivani)
III Additional District Judge,
Salem.

Fair/Draft Order in
I.A.No.2/2024 in
O.S.No.616/2023
Dt. 12.03.2025
III ADJ.,Salem.