

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT

Present: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Tuesday, this the 12th day of August 2025

I.A.No. 01 of 2024

in

O.S. No. 122 of 2023

(CNR.No. TNSA01-006769-2022)

Mental ill person and physically

Challenged Shanmuga Priyan

His Guardian Next friend

Sakthivel Murugan

... Petitioner/Plaintiff

/versus/

1. Ramasamy

2. Naga Laxmi

3. Purusothaman

... Respondents/Defendants

This petition is heard in the presence of Mr. V.Asaithambi., M.Com.,B.L, the Learned counsel for the Petitioner/Plaintiff and Thiru. M.Nandakumar, B.A., L.L.B., the Learned counsel for the 1st Respondent/1st Defendant and Thiru. V.Ranadev., B.A., B.L., the Learned counsel for the 2nd and 3rd Respondents/2nd and 3rd Defendants. Enquiry heard on both sides and having stood over for consideration till this day, this court delivered the following,

ORDER

Petition filed by the petitioner/plaintiff under Order 8 Rule 9 of CPC to receive the reply statement.

1. Brief facts in the petition is as follows:

1.1. The petitioner is the plaintiff in the original suit and the same was filed for the relief of declaration. The respondents had filed their written statement

with false, vexatious and frivolous averments. In order to vouch safe his contention in the suit and to disprove the case of the respondents, the petitioner has to file his reply statement containing the facts and figures. If the petitioner is not permitted to file his reply statement at this stage, he will not get an opportunity to put forward all his contention. Hence, this petition.

2. Brief facts in the Counter filed by respondents are as follows:

2.1. The respondents denied the averments made by the petitioner in his petition and the averments put forth in his reply statement. The settlement deed made in favour of the petitioner itself not disclosed in the EC, which shows the authenticity and technical mistake of the EC filed by the petitioner. The petitioner had filed the suit for monetary benefit. Hence, this petition is liable to be dismissed.

3. The parties have not let in any oral evidence and no documents were marked.

4. Point For Consideration:-

(i) Whether this petition has to be allowed or not ?

5. Both side heard with regard to their pleadings and perused the materials on record. The original suit is filed by the petitioner through his Guardian Next Friend namely Sakthivel Murugan for the relief of declaration, to declare the gift settlement deed and the sale deeds as null and void. The respondents herein had filed their written statement and the suit was posted for framing issues. At this juncture, the petitioner had come forward with this petition to file his reply statement.

6. The petitioner had also filed his reply statement along with this petition. On perusal of the same, it shows that the petitioner had not introduced any new pleas or any new case or any inconsistent pleas so as to alter the original cause of action. The averments in the reply statement is in consonance with explaining the facts, which have been incorporated in the written statement filed by the respondents. The respondents though they filed counter statement denying the averments in the reply statement, they had not disputed the averments put forth in this petition, which was filed to receive the reply statement.

7. Admittedly, in this case, the issues are not yet framed and the trial has not yet commenced. The relevancy and the admissibility of the pleadings by way of reply statement filed by the petitioner can be decided only after the oral and documentary evidence let in by the parties. This court forms opinion that the parties in the litigation should be provided with sufficient opportunity to put forth their case and defence before trial commences, in order to arrive finality in the matter in issues between the parties. Hence in the Interest of Justice and to avoid multiplicity of proceedings, this court holds to allow this petition. At the same time, in order to advance the interest of justice to either side, this court is hereby inclined to direct the respondents herein to file their additional written statement if any within a stipulated time granted by this court.

In the result, this petition is allowed. The reply statement filed by the petitioner/plaintiff is taken on record. The respondents/defendants are hereby directed to file their additional written statement in answer to the reply statement filed by the petitioner/plaintiff, if required, within 30 days herefrom. Considering the facts and circumstance of the case, no order as to cost.

This order is typed by me in my official laptop, corrected and pronounced by me in open court on this 12th day of August 2025.

**Sd./-Thiru.M.Selvam,
District Munsif,
Mettur.**

Both side witnessess and documents: Nil

**Sd./-Thiru.M.Selvam,
District Munsif,
Mettur.**