

**IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**

**PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons),**

District Munsif, Devakottai

Monday, the 15<sup>th</sup> day of September, 2025

**I.A.No.13/2025**

in

**O.S.No.79/2010**

1. C.Periyasamy Vagaiyara

...Petitioner

-Vs-

1. K.Kaliyammal@Chellammal

2. Poomathi

(Through the Karthikeyan, power agent and son of Poomathi)

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.VS.Krishnan learned advocate for the Petitioner and Thiru.V.Sundar learned advocate for the R1 to R2. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

**ORDER****The petition is filed under Order VIII Rule 9 and Section 151 of CPC****1. The averments in the petition are as follows:**

1(i). The petitioner is the fifth defendant in the main suit. He's filing this petition also on behalf of the 1 to 4th defendants. In the main suit, the plaintiff side witnesses as 1 to 3 have been examined and finished since the plaintiff has filed an amended plaint copy by adding few properties and changing the four boundaries, the defendants have not filed an additional written statement in response to the same. The petitioner claims that it is important to file their additional written statement now. He also claims that if this petition is not allowed the petitioners would be subject to irreparable loss and injury. Hence he prays for petition to be allowed.

**2. The averments in the counter are as follows:**

The respondent is the fourth plaintiff in the main suit. He is filling this counter on behalf of other plaintiff as well the respondent claims that since the petitioner has not mentioned the names of the respondents completely the petition is to be dismissed. He also states that four witnesses have been examined on the plaintiff side and not three as claimed by the petitioner. He also states that it has been three years since the amended plaint copy has been filed by the plaintiff. But without filing an additional written statement after the filing of amended plaintiff copy the petitioners have filed this petition now with much delay. Hence the respondents claims that the petition must be dismissed with cost.

**3. Now the question to be decided is whether the petition has to be allowed or not?**

Petition perused. Enquiry heard. The petition has been filed Order VIII Rule 9 and Section 151 of Civil Procedure Code to receive the additional written

statement filed by the petitioners. The petitioners have stated that since the plaintiffs in original suit have amended the plaint with respect to the suit properties and four boundaries it is important for them to file the additional written statement. On the other hand the respondent has opposed the petition stating that it has been more than 3 years since amended plaint copy has been filed and the petitioners are filing this petition now to drag on the proceedings. On perusal of both side averments it clear that the plaintiffs have amended their plaint with respect to the suit properties and the relief claimed. Hence it becomes important to give the other party a reasonable opportunity to put forth their case before this court. But it is to be taken into consideration the fact that the APC has been filed on 17.03.2023 and a reasonable opportunity for filing additional written statement to the defendants has been given since then, following which the counsel for the defendants have endorsed has no additional written statement on 09.10.2023. Having themselves endorsed as no additional written statement, the petitioners have filed this petition now after much delay and without stating any proper reason for the delay caused or proper reason to accept the same. Even though it is important to give the petitioners an another opportunity to put forth their case before this court, the court is not satisfied with the reason provided by the petitioners. Hence the court is hereby inclined to allow this petition to avoid any undue delay, but keeping in mind the act of the petitioners in not providing a valid reason for the delay and the act of filing this petition after endorsing no additional written statement, the court finds it fit to exercise its inherent power and impose a cost of Rs.6000/- on the petitioners out of which Rs.3000/- shall be paid to the respondent and Rs.3000/- shall be paid to the account of District Legal Services Authority, Sivagangai. The court believes that the cost imposed would serve the ends of justice and would have a deterring effect on the petitioner thereby preventing unnecessary delays in

the future. The production of cost memo shall be conditional for any further proceedings on the defendant's side. In the end, the petition is allowed with cost of Rs.6000/-.

**4. Decision**

**In the end, the petition is allowed with cost of Rs.6000/-.**

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 15<sup>th</sup> day of September 2025

**District Munsif,  
Devakottai.**

**Annexures:**

List of witnesses on the side of the Petitioner-Nil-

List of documents on the side of the Petitioner-Nil-

List of witnesses on the side of the Respondents-Nil-

List of documents on the side of the Respondents-Nil-

**District Munsif,  
Devakottai.**

**District Munsif Court,  
Devakottai**

IA.No.13/2025

in

OS.No79/2010

Dated: 15.09.2025

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Draft/Fair Order

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