



IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PERIYAKULAM, THENI DISTRICT.

Present: Thiru. C.SANKAR, B.A. M.L. PGDCFS.,
Additional District and Sessions Judge,
Periyakulam, Theni District.

Friday, the 31st day of August, 2026.

IA. No.5/2026

- in -

OS. No.181/2021

(CNR NO. TNTH090008632023)

1) S.Sridevi

2) R. Helan Mettilda

...Petitioners / Defendants 8 and 9

// Vs. //

B.Kokilapandian

...Respondent / plaintiff

This Petition came up for final hearing before this Court on 12.08.2026 in the presence of **Mr.M.Kubendran**, Learned Counsel for the petitioners and **Mr.K.Dharmakodi** Learned Counsel for the Respondent and upon perusing the Petition, Counter and Documents and upon hearing both side arguments and having stood over for consideration till this day, this Court delivered the following...

ORDER

This petition has been filed by the petitioners under Order 8 Rule 9 and Section 151 of the CPC, seeking to receive the additional written statement filed along with this petition in the main suit.

2) Averments made in the Petition in brief is as follows:

The plaintiff has witness as PW1 in the original suit. The petitioner has changed the counsel who previously represented him. Upon consulting his counsel, it was realized that the written statement previously filed by the plaintiff failed to fully disclose details regarding the petitioners / Defendants 8 and 9 and their employment, as well as the lack of any connection between the respondent / plaintiff and the petitioners / Defendants 8 and 9. The omission of these details from the Written statement came to light only when steps were being taken for the cross-examination of the plaintiff. The respondent has filed the suit based on facts contrary to the truth. Therefore, the petitioners have filed this application seeking leave to accept the additional written statement filed along with it.

3) Averments made in the Counter in brief is as follows:

The Petitioners / Respondents 8 and 9 were appointed solely to inquire into complaints of sexual harassment under Section 4 of the Sexual Harassment of Women at Workplace Prevention, Prohibition and Redressal Act, 2013. 1st defendant Vanitha and 2nd defendant Ramalakshmi had leveled false allegations of sexual harassment against the Plaintiff. With the ulterior motive of substantiating these false allegations and ensuring the Plaintiff's punishment, Respondents 8 and 9 submitted an inquiry report without conducting a proper inquiry as required by law and by deliberately suppressing several material facts. Furthermore, in the criminal case CC No. 66/2022 filed against Respondents 1 to 9 for offenses including criminal conspiracy, fabrication of documents,

malicious prosecution, submission of false reports, and defamation, Respondents 8 and 9 were convicted and sentenced under Section 217 of the Indian Penal Code to six months of imprisonment and a fine of Rs.5,000. Motivated by a desire to evade the consequences of that conviction, Respondents 8 and 9 have introduced new facts in their additional Written-statement that were not raised during the aforementioned criminal proceedings, therefore, said additional written-statement should not be received in the main suit. Consequently, a Written-statement has been filed on behalf of the Respondent opposing the petition and seeking its dismissal.

4) No documents or oral evidence let by the both sides.

5) **Point for determination:**

1. **Whether this petition is allowed or not ?**

6) **Point No.1.**

i) Arguments from both sides were heard, and the documents were perused. Firstly, the petition filed by the petitioner states that the plaintiff had witness as PW1 in the original suit, that in the written statement previously filed in the said suit, it was asserted that there was no connection whatsoever between the plaintiff and Defendants 8 and 9, that the petitioners had failed to fully disclose details regarding their employment in the said written statement, that the omission to disclose these details in the written statement came to light only when steps were taken to cross-examine the plaintiff, and that the respondent has filed the suit based on facts contrary to the truth.

ii) In the counter-statement filed by the respondent, it is submitted that Respondents 8 and 9 were appointed solely to inquire into sexual harassment complaints under Section 4 of the Sexual Harassment of Women at Workplace Prevention, Prohibition and

Redressal Act, 2013, that the 1st defendant Vanitha and 2nd defendant Ramalakshmi leveled false sexual harassment allegations against the plaintiff, and that the petitioners / defendants 8 and 9 submitted an inquiry report deliberately suppressing several facts with the intent of proving the said false allegations and punishing the plaintiff, without conducting a proper inquiry as required by law. Furthermore, it is stated that in C.C. No. 66/2022 a case filed against Respondents 1 to 9 for criminal offenses including conspiracy, fabrication of documents, initiating action based on false accusations, submission of false reports, and defamation Respondents 8 and 9 were convicted and sentenced to six months' imprisonment and a fine of Rs.5,000/- u/s 217 of the Indian Penal Code. It is argued that the petitioners should not be permitted to file an additional written statement because they have introduced new facts in their current plea facts that were not raised by Respondents 8 and 9 in the aforementioned criminal case solely with the ulterior motive of evading the consequences of that conviction.

iii) Next, regarding the original suit filed in 2021 which remains pending, the present petition has been filed by the petitioners seeking leave to receive an additional written statement. The question arises, are the facts contained in pages 1 to 17 of the counter-statement filed by the respondent true or not? Considering the need to resolve the issues comprehensively in the original suit. The absence of any strong objection from the respondent during the hearing regarding the admission of this additional counter-statement, and in the interests of justice and Principles of natural justice, this Court is of the view that the petition is allowed without costs.

In the result, the petition is allowed without costs.

Dictated by me, directly typed by Stenographer into computer, corrected and pronounced by me in the open Court, this the 31st day of August, 2026.

Additional District and Sessions Judge,
Periyakulam.

Petitioners side Witnesses and Nil.

Documents:

Respondent side Witnesses and Nil.

Documents:

Additional District and Sessions Judge,
Periyakulam.

Additional District &
Sessions Court,
Periyakulam, Theni District.
Fair/ Draft Order.

IA. No.5/2026

- in -

OS. No.181/2021

Dated 31.08.2026.