

**IN THE COURT OF THE ADDITIONAL SUBORDINATE COURT ,
TIRUPUR**

**Present : Tmt. S. Uma Maheshwari., B.A., L.L.M.,
Additional Subordinate Judge , Tirupur.**

I.A. No.9/2026 in

O.S. No.353/2015

Saturday the 08th day of August 2026

1. Tmt. Bakkiyam
2. Thiru. Shanmugavel

...Petitioners/ Plaintiffs

/Vs/

1. Thiru. Thiruvengadam
2. Thiru. Rajendiran
3. Thiru. Navaneethan
4. Thiru. Kesavan

...Respondents/Defendants

This petition came before me on 28.07.2026 for final hearing in the presence of Thiru. R. Shanmugavadivel., Advocate for the petitioners/ Plaintiffs and Tmt. M. Anbuselvi., B.Com., L.L.B., Advocate for the respondents/ Defendants and upon perusing the documents and hearing arguments of both side and having stood over for consideration till this day, this court delivered the following,

ORDER

This petitioner/ plaintiff has been filed the petition under order 8 rule 9 of CPC to pass an order to receive the reply statement.

02. Petition averments briefly as follows : The petitioners are the plaintiffs in the suit. The additional written statement filed by the defendants is not true. Further, the petitioner has come to know about several documents and material facts relating to the above suit only recently. Therefore, it is necessary for the petitioner to file a reply statement to the additional written statement filed by the defendants. It is just and necessary to order that the said reply statement be taken on file. Otherwise, the petitioner will be put to great hardship and loss. If the above petition is not allowed, the petitioner will be put into irreparable loss and hardships. Hence this petitioner prays to allow this petition .

03.Counter statement filed by the respondents/ Defendants briefly as follows: The petition filed by the petitioners is false, frivolous, and not maintainable either on facts or in law. The petitioner has filed the present petition with the sole intention of delaying the disposal of the suit. At the time of filing the suit, the plaintiff was fully aware of all the facts and details relating to the suit. Therefore, the contention of the plaintiff that he/she came to know about the documents and material facts relating to the suit only recently is not acceptable. There is no necessity to receive or take on file the rejoinder now sought to be filed by the plaintiff. Hence, it is prayed that this petition may be dismissed with costs.

04. Now the point for consideration is that whether the petition is to be allowed or not?

05. Heard both sides. The petition affidavit, Counter statement and revial submission perused. The petitioners are the plaintiffs in the suit and has filed the present petition seeking permission to receive the reply statement to the

additional written statement filed by the defendants. According to the petitioner, the additional written statement contains incorrect averments and the petitioner has recently come to know about certain documents and material facts relating to the suit. Hence, the petitioner contends that the reply statement is necessary for properly placing the case before the Court.

5.1) The respondents/defendants have opposed the petition mainly on the ground that the petitioner was aware of all the facts and documents relating to the suit even at the time of filing the suit and that the present petition has been filed only with an intention to protract the proceedings.

5.2) The additional written statement has been filed by the defendants subsequent to the filing of the original pleadings. The petitioner seeks to file a reply statement specifically in response to the averments contained in the additional written statement. When a subsequent pleading is permitted to be filed by a party, the opposite party should ordinarily be afforded a reasonable opportunity to meet the new averments contained therein, so that the real controversy between the parties can be effectively adjudicated.

5.3) The contention of the respondents that the petitioner had knowledge of the relevant facts and documents even at the time of filing the suit is a matter which can be considered while appreciating the pleadings and evidence of the parties. At this stage, the Court need not go into the correctness or otherwise of the averments proposed to be made in the reply statement. The same can be considered at the appropriate stage of the proceedings.

5.4) Further, receiving the reply statement would not cause any prejudice to the defendants, as they will have sufficient opportunity to contest the averments contained therein in accordance with law. On the other hand, refusal to receive the reply statement may deprive the petitioner of an opportunity to properly answer the averments raised in the additional written statement.

The primary object of permitting pleadings is to enable the parties to place their respective cases before the Court and to facilitate the effective determination of the real questions in controversy. In the present case, this Court is of the view that the proposed reply statement is relevant for effectively adjudicating the issues involved in the suit. The apprehension of the respondents that the petition has been filed only to delay the proceedings, by itself, is not sufficient to reject the petition.

5.5) Therefore, considering the nature of the petition and the circumstances of the case, this Court is satisfied that sufficient grounds have been made out by the petitioner for receiving the reply statement.

In the result, this petition is allowed and No costs.

Dictated to the steno-typist by me directly and typed by him in the court computer and corrected and pronounced by me in the open court, the 08th day of August 2026.

Additional Subordinate Judge,
Tirupur

Annexure

(1) **Petitioner's side Witness and Exhibits:-** - Nil -

(2) **Respondents side Witness and Exhibits:-** -Nil-

Additional Subordinate Judge,
Tiruppur.