

IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,
District Munsif, Palladam.**

Saturday the 20th day of September 2025

IA No.4/2025

in

OS No.121/2020

1.K.Thangavel

2.G.Bagyalakshmi

3.G.Balamurugan

...Petitioners/Defendants

/Vs/

M.Govindaraj

.....Respondent/plaintiff

This Petition is coming on 09.09.2025 for final hearing before me in the presence of Thiru.V.Raveendran, B.Sc.,B.L., Advocate for the Petitioners and Thiru.P.P.Sureshkumar, B.A.,B.L., Advocate for the Respondent, Upon perusing the Petition, affidavit, counter statement and other connected materials on record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

ORDER

1. The petitioners filed this petition in IA No.4/2025 Under order VIII Rule 9 and Under Section 151 of CPC, that to grant permission to file additional written statement.

2. Brief averments of the petitioners:-

The Petitioners are having the properties in S.F.No.35/1 and 35/2 in Chithambalam village, Palladam taluk. The Respondent/Plaintiff filed the suit for declaration and consequential injunction against the petitioners with false allegations. The petitioners filed the written statement earlier. In which sum important and vital facts are omitted to disclose, the above facts are brought to their knowledge very recently only after enquired with their predecessors in title and after scrutinizing some important documents. Therefore it is very vital and essential to file additional written statement by disclosing the above facts. Hence they are come forward with the instant application in the interest of justice. This application will not prejudice the respondent in any manner. The facts contains in the additional written statement is no way contrary to the original written statement. Hence, this petition.

3. Brief averments of the counter filed by the 2nd Respondent:-

The above petition is false. The allegation that the petitioners are having the properties in S.F.No.35/1 and 35/2 in chittambalam village is utter false and incorrect one. The other allegation that sum important and vital facts are omitted to disclose and the above facts are brought to the petitioners knowledge very recently only after enquired with their predeceases in title and after scrutinizing some important document are all utter false and misleading one. The allegation that the facts contains in the additional written statement is no way contrary to the original written statement is also utter false and incorrect one. Actually the suit filed in the Oct month of 2020. The petitioners filed their written statement only on 03-01-2023 after lapse of three years. The respondent examined as P.W..1 on 04-09-2024 and posted for cross on 19-12-2024. After then the petitioner changed their counsel on 24-01-2025 and the case posted for cross of P.W.1 on 14-02-2025, 03-03-2025, 24-03-2025, 02-06-2025 and 19-06-2025 and after then with a view to prolong the case the petitioners filed this

petition. The reason assigned by the petitioners are not acceptable and legally valid one for filing this application. This application is highly belated one. The petitioners introduce new case and contra to the earlier pleadings which is highly against the law. Therefore, this petition is liable to be dismissed.

4. Points for consideration:

Whether this petition will be allowed or not ?

5. Heard both sides. No oral or documentary evidence is let in by both sides.

6. Answer to the point :

Materials on records perused. It is seen from the records the suit in O.S. No.121/2020 has been filed for Declaration and Permanent Injunction. This petition was filed by the petitioners Under order VIII Rule 9 and Under Section 151 of CPC, to grant permission to file additional written statement.

7) On Considering the both side submissions and on perusing the entire case records, it is the main contention of the petitioners is that the petitioners had filed their written statement in the above suit and certain important facts have omitted to stated in their written statement which filed earlier. Hence, the seek the permission to file the additional written statement. The petitioners also contended that their additional written statement is not contradict to their written statement which filed earlier and no way prejudice to the respondent.

8) On the other hand it is the contention of the respondents that the suit is in the stage of cross examination of PW1. The petitioners had took several adjournments for cross examination and they finally filed the above petition on

19.06.2025 in order to prolong the proceedings. Further, the respondents stated that the petitioners have introducing the new case which contra to their earlier defence.

9) On perusing the records it is found that the present counsel for the petitioners had filed vakalat for the petitioners on 24.01.2025 when the above suit pending in the stage of cross examination. The respondent/plaintiffs had concluded the PW1 chief examination on 17.10.2024 itself. The petitioners/ plaintiffs side had taken several adjournments for cross examination of PW1 on various dates i.e. 07.11.2024, 25.11.2024, 19.11.2024, 24-01-2025, 14-02-2025, 03-03-2025, 24-03-2025, 02-06-2025 and finally on 19-06-2025 they filed the present petition. After getting so many adjournments for cross examination of PW1, without cross examining the PW1, they come forward with the above petition.

10) The only reason stated by the petitioners for this petition to receive the additional written statement is that important facts have omitted to stated in their written statement with respect to the predecessors in title of the properties. The petitioners have not stated the specific reason why they have not stated the same in the earlier filed written statement. Though, the reason stated by the petitioners is not satisfied, considering the nature of the suit which filed for the relief of declaration and injunction, in order to provide fair opportunity to the petitioners to conducting their case effectively, in the interest of justice this court is inclined to allow this petition. However, the delay caused by the petitioners has to be compensated to the other side.

In the result, this petition is allowed with the cost of Rs.3,000/- to be paid to the respondents/plaintiffs.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 20th day of September 2025.

**District Munsif,
Palladam.**

Appendix:-

Petitioner's side Witness and Documents:- Nil

Respondent's side Witness and Documents:- Nil

**District Munsif,
Palladam.**