

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

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

Thursday the 19<sup>th</sup> day of February 2026

**IA No.9/2025**

**in**

**OS No.181/2015**

1. Ramasamy (Died)

2. Saraswathi

3. Deivalakshmi

4. Lakshmanan

... Petitioners 1 to 4/defendants 1 to 4

***/Vs/***

Palanisamy

... Respondent/plaintiff

This Petition is coming on 11.02.2026 for final hearing before me in the presence of Thiru.P.Eswaramoorthy, B.A., B.L., Advocate for the Petitioners and V.Raveendran. B.Sc., 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 petitioner filed this petition in IA No.9/2025 Under Order VIII Rule 9 of CPC that to receive the additional written statement.

**2. Brief averments of the petitioners:-**

The deceased 1<sup>st</sup> petitioner was filed written statement stating that, the suit cart track is only 2 meter width and the respondent and their brother only enjoying the suit cart track and the respondent is having no rights in the suit cart track. The respondent is using the cart track in S.F.No.209 of vadugapalayam Village, Palladam Taluk. There is a well beaten of cart track. After the death of his father 4<sup>th</sup> petitioner only followed the above case. Last week only his mother told that, there is a land in the name of respondent in S.F.No.204, 206 of Vadugapalayam Village. The above lands are adjoining to Palladam to Udumalpet road. The S.F.No.205/2 and 205/3 are adjoining to 204 and 206 of lands in Vadugapalayam Village, Palladam Taluk and previously the respondent using the lands in 204, 206 of Vadugapalayam Village, to reach his land in 205/2, 205/3 of Vadugapalayam Village. The respondent can easily go to his land in S.F.No.205/2 and 205/3 through his land only without disturbing the petitioners. The suit cart track is sub divided and the width of cart track is only 2 meter but the respondent claiming 14 feet width cart track to reach his land with an ill intention to disturb the petitioners. If the 14 feet width cart track is granted the petitioners land will be affected and they will be put too much loss and hardship. The petitioners think their father not thinking the above way to reach respondent land. Therefore, he is not filed the written statement in that aspect. It is necessary to file additional written statement. Hence, this petition.

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

The allegations in the affidavit filed by the 4<sup>th</sup> petitioner are invented by the petitioners in belated stage with an ulterior intention to mislead the court. The above allegations are after thought one. The respondent never using the access as alleged in the petition and there is no such access is available. The

petitioners are put to strict proof of the same. In fact the respondent is having only access to his properties by the suit cart track and he is using the same continuously for all this days by caring out the agricultural operations. There is no such alternative access is exist as alleged in the petition and the respondent is never using the same. In fact there is no such alternative access is exist, therefore the 1<sup>st</sup> petitioner has not stated the above imaginary access in his written statement. The above application is highly belated one, abuse of process of law and court. The petitioner come foreword with the above application only with intent to protract the trial of the above suit. Hence, prayed to dismiss this petition.

**4. Points for consideration:**

Whether this petition will be allowed or not ?

5. Heard both sides. No oral evidence is let in by both sides. Ex.P1 to Ex.P8 documents marked on the side of petitioners. No documentary evidence on the side of the respondent.

**6. Answer to the point :**

Materials on records perused. It is seen from the records the suit in O.S. No.181/2015 has been filed by the respondent/plaintiff herein for the relief of declaration and consequential permanent injunction. This petition has been filed to receive the additional written statement.

7. It is the main contention of the petitioner herein is that after death of the 1<sup>st</sup> petitioner, the 4<sup>th</sup> petitioner recently came to know that the respondent is also having land in S.F.No.204 and 206 of Vadugapalayam Village. The said lands are adjoining to the Palladam to Udumalaipet road. The petitioners land is

situated in S.F.No.205/2 and 205/3 are adjoining land to S.F.No.204 and 206. The petitioner can reach the land through the S.F.No.204 and 206. The suit cart track is only 2 meter but, the petitioner claiming 14 feet width cart tract and the same will be affected the petitioners rights and their land's usage. The said facts was omitted to stated by the 1<sup>st</sup> petitioner in his written statement, since, he was not thinking the above way to reach the respondent land. In order to stating said fact in this case, it is necessary for the petitioners to file additional written statement.

8) On the other hand, it is contention of the respondent herein that the respondent has using the suit cart track to reach his lands in S.F.No.205/2 and 205/3. There is no alternative cart track available to the respondent and the respondent never used the such alternative cart track. After lapse of 10 years in order to prolong the proceedings and to confuse the above case, the petitioner filed this petition. If at all alternative cart track available to the respondent, the same could stated by the 1<sup>st</sup> respondent in his written statement. Since, there is no cart track alternative to the suit cart track is available to the petitioner, the present petition is unnecessary.

9) On considering the both side submissions and records the 1<sup>st</sup> petitioner had filed written statement stated that the suit cart track is available only to the 1<sup>st</sup> petitioner's usage and the respondent herein had using the land in S.F.No.209 for cart track all this days for reach his lands. Now, the petitioners had sought permission to file additional written statement stating that the respondent is having alternative cart track in S.F.No.204 and 206 of Vadugapalayam Village to reach his lands in S.F.No.205/2 and 205/3. The respondent has denied that no alternate cart track available to the respondent.

10) On perusal of records the deceased 1<sup>st</sup> petitioner had not stated in his written statement about the respondent is having alternative cart track in S.F.No.204 and 206 to reach his lands in S.F.No.205/2 and 205/3. Though, the respondent had stated that no such alternate cart track available to him, on perusal of the exhibit marked on the side of the petitioners, it is seen that the revenue records for the S.F.No.204 and 206 are also stands in the name of respondent and the said lands in S.F.No.204 and 206 are adjoined to the S.F.No.205 of Vadugapalayam Village. The fact that whether there is a access from the Palladam to Udumalaipet road to S.F.No.205 of Vadugapalayam Village through the S.F.No.204 and 206 can be decided only after adducing the evidence by the both sides. The trial proceedings is not yet commenced and the above suit is pending only in the stage of trial. Allowing this petition at this stage will not cause any prejudice to the respondent. The plaint averments to be proved by him by sufficient oral and documentary evidence. Therefore, in order to provide fair opportunity to the petitioners herein to contest their case with effective pleadings, in the interest of justice, this court is inclined to allow this petition and inclined to receive the additional written statement of the petitioners. However, the delay caused by the petitioners to be compensated to the other side.

**In the result**, this petition will be allowed on condition to pay the cost of Rs.3,000/- to the respondent/plaintiff on or before 26.02.2026. Failing which this petition will stand dismissed automatically. For Compliance call on 27.02.2026.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 19<sup>th</sup> day of February 2026.

**District Munsif,  
Palladam.**

**Appendix:-****Petitioner's side Documents:-**

Ex.P1	30.01.2026	Chitta in the name of Respondent and others for S.F.No.204/1 of Vadugapalayam Village, Palladam Taluk, Tiruppur.	Computer copy
Ex.P2	30.01.2026	Chitta in the name of Respondent and others for S.F.No.205/1, 205/4 of Vadugapalayam Village, Palladam Taluk, Tiruppur.	Computer copy
Ex.P3	30.01.2026	Chitta in the name of respondent and others for S.F.No.206/1A1 of Vadugapalayam Village, Palladam Taluk, Tiruppur.	Computer copy
Ex.P4	30.01.2026	FMB for S.F.No.204/1 of Vadugapalayam Village, Palladam Taluk, Tiruppur.	Computer copy
Ex.P5	30.01.2026	FMB for S.F.No.205 of Vadugapalayam Village, Palladam Taluk, Tiruppur.	Computer copy
Ex.P6	30.01.2026	FMB for S.F.No.205/1 of Vadugapalayam Village, Palladam Taluk, Tiruppur.	Computer copy
Ex.P7	30.01.2026	FMB for S.F.No.206/1A1 of Vadugapalayam Village, Palladam Taluk, Tiruppur.	Computer copy
Ex.P8	02.02.2026	Topo Sketch of Vadugapalayam Village, Palladam Taluk, Tiruppur.	True copy

**Petitioner's side Witness :-** Nil**Respondent's side Witness and Documents :-** Nil**District Munsif,  
Palladam.**