

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.**

**Present :Thiru. P. Nagarajan, M.A.,M.L.,
II Additional District & Sessions Judge, Thanjavur.**

**Tuesday the 02nd day of December 2025
(Thiruvalluvar Aandu 2056 Karthigai Matham 16th day)**

I.A.NO.3/2025 IN O.S.NO.86/2016

District Manager,
Food Corporation of India,
Market Road.
Thanjavur.

.....Petitioner/ 1st defendant

/Vs/

Arumugam

.....Respondent/Plaintiff

This petition having come up for final hearing before me on 01.12.2025 in the presence of Thiru.**K.J.Sathishkumar**, Advocate for the Petitioner and of **Thiru.P. Lenin**, Advocate for the respondent and upon hearing the arguments of both sides, upon perusal of the entire material records pertaining to the case and the matter having stood over for consideration till this date, this court delivered the following

ORDER

This petition has been filed by the petitioner/1st defendant u/order.8 Rule 9 and Section 151 of CPC permit to file Additional Written statement.

2) Summary of the affidavit is as follows:

The petitioner is the Divisional Manager and the 1st defendant in the suit. The respondent/plaintiff has filed the suit against the petitioner and others for recovery of money. Originally though the suit was filed by the respondent/plaintiff against this petitioner/first defendant and defendants 2 to 10, this petitioner was added as formal

party only. The suit amount was claimed from the defendants 2 to 10 only. This petitioner/first defendant has filed a written statement to the contentions of the plaintiff. But, later in the year 2018, the plaintiff was amended thereby claiming the suit amount from all the defendants including this petitioner/ 1st defendant also. In these circumstances, the petitioner/ 1st defendant has to deny its liability to pay the suit amount for which additional written statement needs to be filed. Because the earlier written statement was filed answering the contents of the plaintiff in which the suit claim was against the defendants 2 to 10 only. But now as the respondent/plaintiff wants to claim the suit amount from this petitioner/ 1st defendant also, it has to be denied by this petitioner/ 1st defendant by filing additional written statement. Hence, this petition praying to receive the additional written statement. Unless this petition is allowed the petitioner will be put to irreparable loss and hardship. No prejudice will be caused to the other side, if this petition is allowed. Hence prayed for allowing this petition.

3) Summary of the Counter is as follows:

This respondent denies all the allegations of the petition to receive the additional written statement as false, frivolous and vexatious. The petition is not maintainable either in law or on facts and is liable to be dismissed in limine. The clear intention of the petitioner is only to drag the matter endlessly. The reasons adduced by the petitioner in the affidavit are not correct and not sufficient to receive the additional written statement and invented for case purpose. Through the

additional written statement the petitioner has introduced the new case and new cause of action. Already trial was commenced, plaintiff side evidence was closed, the matter was adjourned the defendant's side evidence. The petitioner filed this petition to drag on the case. This respondent reserves his right to file reply statement for the additional written statement. Hence, this petition is to be dismissed.

4) Point for consideration:

Whether the petition is to be allowed or not?

5) Point:

The learned counsel for the petitioner/1st defendant contended that the suit filed by the plaintiff against the defendants, Relief against 2 to 10 defendants only. This petitioner is only a formal party. The petitioner filed written statement. After that in the year of 2018 the plaint was amended thereby claiming the suit amount from all the defendants including this petitioner also. In these circumstances the petitioner/1st defendant has to deny its liability to pay the suit amount. Hence this petition praying to receive the additional written statement. Hence prayed for allowing this petition.

6) Per contra, the respondent objected that this the petitioner filed through the additional written statement the petitioner has introduced the new case and new cause of action. Already trial was commenced, plaintiff side evidence was closed, the matter was adjourned the defendant's side evidence. The petitioner filed this petition to drag on the case. Hence, this petition is to be dismissed.

7) Considering both side arguments, Since the original suit was filed to recover

the amount from the defendants. But the petitioner/1st defendant has been included as a formal party only and claims that he is not under any obligation to pay the amount, and since the true position of the parties will be revealed if the petition is allowed and since the defendant is not likely to suffer any harm by allowing the petition, this Court finds that the issue by allowing the petition in the interest of justice.

In Final, the petition is allowed. No costs.

Dictated to the Steno-Typist directly, typed by her in computer, corrected and Pronounced by me in the open court, this the 2nd day of December 2025.

**II Additional District and Sessions Judge,
Thanjavur.**

**Petitioner and Respondents side
Exhibits and Witnesses : Nil**

**II Additional District and Sessions Judge,
Thanjavur.**

Order in IA. 3/2025 in

O.S.No: 86/2016

Dated: 02.12.2025