

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.

Thursday, the 05th day of February 2026.

INTERLOCUTORY APPLICATION NO.7 OF 2026

IN

ORIGINAL SUIT NO.33 of 2025

1. S.Selvaraj (dead)

2. S.Dhayas Raj

3. S.Selvarani

4. S.Chrispin Raj

5. Clinton Raj

6. Jaba Raj

7. Febsilin Joshua

8. Esther

..... Petitioners/Defendants 1 to 4, 7 & 8

Versus

C.Selvaraj

..... Respondent/Plaintiff

This petition came up before me for final hearing on 04.02.2026 in the presence of Mr.N.R.Rangarajan, Learned counsel for the petitioners and Mr.E.Prabu, Learned counsel for the Respondent. Upon hearing the arguments made by the learned counsels for the petitioners and the respondent, and on perusal of the material case records, this petition having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This application has been filed under Order 8 Rule 9 and Read with Section 151 of Civil Procedure Code to file additional written statement in the suit.

2. Brief averments of the affidavit filed by the petitioners are as follows:

The petitioners are the defendants in the suit, while going through the papers along with their advocate on 24.01.2026 for the preparation of documentary evidence in support of the defence, the advocate, for the first time, noticed that the superstructures and the electricity connections in the suit property, which were exclusively put up and obtained by their father, the 1st defendant herein, have been clandestinely included, with ulterior motives, in the plaintiff's sale deed dated 15.09.2012. All the superstructures in the suit site were put up by the 1st defendant alone, and the electricity service connections for those superstructures were also obtained by the 1st defendant alone with his own funds. The plaintiff and his alleged vendors have no manner of right, title, or interest in the said superstructures or electricity service connections. Such wrongful inclusion in the plaintiff's sale deed has to be specifically pleaded by way of an Additional Written Statement, which is annexed herewith. If the Additional Written Statement is not received on file, the petitioners will be put to irreparable loss, damage, and injury. Hence, this petition.

3. Brief averments of the counter filed by the respondent are as follows:

3.1. The defendants filed I.A. No.3 of 2025 to receive an Additional Written Statement when the matter was pending for cross-examination of PW-1, and the same was allowed. Thereafter, after several adjournments, the cross-examination of PW-1 was closed on 12.11.2026. Subsequently, the defendants filed I.A. Nos.5 and 6 of 2025 to reopen and recall PW-1. The said applications were allowed only with a view to provide an opportunity, despite this Court holding that the defendants were deliberately prolonging the proceedings in total violation of the order passed in C.R.P. No.2713 of 2022. I.A. Nos.5 and 6 of 2025 were allowed subject to conditions. Despite the same, the defendants prolonged the case by flouting the conditional order, and ultimately the cross-examination of PW-1 was completed only on 20.01.2026.

Thereafter, the case was posted for defendants' evidence on 22.01.2026 and again on 27.01.2026, that too after the counsel for the defendants orally assured this Hon'ble Court that he would file the proof affidavit on 28.01.2026. However, once again, the defendants have filed the present vexatious petition by projecting false allegations.

3.2. The 1st defendant has already made false pleadings claiming that he had put up the superstructures and obtained two electricity service connections in paragraph No.9 of the Written Statement. Even assuming, without admitting, that the defendants have unearthed certain documents, they are not entitled to file Additional Written Statements for each and every such document after the completion of the plaintiff's evidence and after a lapse of nearly 12 years from the filing of the suit. The defendants are not entitled to raise new pleas or repeat the same pleadings by way of an Additional Written Statement with the sole intent of delaying the proceedings. The defendants have been deliberately not cooperating for the completion of the trial and disposal of the suit. The case has remained at the evidence stage for more than 60 hearings after the filing of the PW-1 proof affidavit on 04.08.2025. The adjudications already made by this Hon'ble Court may be treated as part and parcel of this counter affidavit. The acts of the defendants are nothing but illegal and constitute an attempt to hoodwink this Hon'ble Court. If the defendants are allowed to interfere with the administration of justice by openly refusing to cooperate in a brazen and defiant manner by filing applications one after another, it would cause serious prejudice to the respondent/plaintiff. Hence, this respondent prays for dismissal of the above petition.

4. **Evidence :**

Neither the petitioners nor the respondent have placed any oral or documentary evidence before this court.

5. **Point for determination** :

Whether this petition is to be allowed or not.

6. **Discussion and Findings** :

6.1. Heard. Records have been perused. The present petition has been filed by the petitioners/defendants 1 to 4, 7 and 8. The suit is one for ejection and recovery of arrears of rent and is presently at the stage of defendants' evidence. At this advanced stage of trial, the petitioners have sought leave of this Court to receive an Additional Written Statement as subsequent pleadings under Order VIII Rule 9 of the Code of Civil Procedure. The statutory provision reads as follows:

“No pleading subsequent to the written statement of a defendant other than by way of defence to set-off or counter-claim shall be presented except by the leave of the Court and upon such terms as the Court thinks fit; but the Court may at any time require a written statement or additional written statement from any of the parties and fix a time of not more than thirty days for presenting the same.”

A plain reading of the above provision makes it clear that the filing of subsequent pleadings is not a matter of right but is entirely subject to the discretion of the Court. Such discretion is required to be exercised judiciously, keeping in view the stage of the proceedings, the nature of the pleadings sought to be introduced, the conduct of the parties, and the overarching object of ensuring expeditious and effective adjudication. Order VIII Rule 9 is not intended to permit endless supplementation or improvement of pleadings, nor can it be invoked to fill up lacunae, raise belated pleas, or reintroduce matters which were consciously or negligently omitted earlier.

6.2. In the present case, it is not in dispute that the petitioners had already availed the remedy under Order VIII Rule 9 by filing I.A. No.3 of 2025 on 13.08.2025, which

was allowed by this Court on 22.09.2025. Thereafter, the suit progressed to the stage of evidence, and the cross-examination of PW-1, after being prolonged over several hearings, was completed on 12.11.2025. The suit itself, though instituted in the year 2014 before the District Munsif Court, Tiruvottriyur, was later transferred and renumbered as O.S. No.33 of 2025 on the file of this Court. This Court has also taken note of the binding direction issued by the Hon'ble High Court in C.R.P. No.2713/2022, directing expeditious disposal of the suit within a period of six months.

6.3. On a careful examination of the pleadings now sought to be introduced, this Court finds that the substance of the averments is not new. The petitioners had already pleaded, in paragraph No.9 of their original Written Statement, that the first defendant had put up two superstructures on the suit property and had obtained two electricity service connections in the name of his son, Kins Raj, including service connection No.052-021-667. The petitioners had also expressly stated therein that they would initiate separate legal proceedings against the plaintiff and the Electricity Department. The present attempt merely reiterates the same factual foundation with an additional allegation that the respondent/plaintiff has clandestinely included the said superstructures and service connections in the sale deed.

6.4. This Court is of the considered view that the sale deed relied upon by the petitioners was executed as early as in the year 2012. If, as now alleged, the said document contained wrongful or fraudulent recitals, nothing prevented the petitioners from raising such a plea either in the original Written Statement or at least in the Additional Written Statement already permitted by this Court in I.A. No.3 of 2025. The law does not countenance piecemeal pleadings or repeated attempts to refine the defence after the commencement of trial, particularly when the facts sought to be pleaded were well within the knowledge of the petitioners from the inception.

6.5. It is also significant to note that the case has already reached the defendants' evidence stage. The cross-examination of PW-1 was repeatedly delayed, and this Court has, on record, recorded its displeasure regarding the conduct of the petitioners in prolonging the proceedings. Even after the closure of cross-examination on 12.11.2025 due to the lack of diligence on the part of the petitioners, applications were filed to reopen and recall PW-1, which were allowed only in the interest of justice. The cumulative conduct of the petitioners clearly indicates a pattern of obstruction rather than a bona fide attempt to place necessary pleadings on record.

6.6. The settled position of law is that while procedural rules are handmaids of justice, they cannot be permitted to be abused so as to defeat the very object of timely adjudication. Discretion under Order VIII Rule 9 must be exercised sparingly, and only when the proposed pleadings are essential for determining the real controversy between the parties. Where the pleadings are repetitive, belated, or intended merely to delay the proceedings, the Court would be justified in declining leave. Allowing such applications at the fag end of trial would not only prejudice the opposite party but would also render the earlier procedural discipline meaningless.

6.7. The learned counsel for the petitioners placed reliance on *Soundaraessane rep. by his Power of Attorney vs. Pouchepavady*, 2002 (3) LW, to contend that applications seeking leave to file additional pleadings should be considered liberally. Reliance was also placed on *Sri Srinivasamurthy Mandiram rep. by its Executive Trustee vs. Gnanasoundari*, 2004 (5) CTC 644, in the context of inconsistent pleadings under Order VI Rule 16 of CPC. This Court has carefully considered the ratio laid down in the said decisions. While the principle of affording fair opportunity is well recognised, the same cannot be stretched to legitimise repeated and calculated attempts to delay the proceedings, particularly when the party has already been granted sufficient opportunities and when the pleadings sought to be introduced do not advance the adjudication of the real issues.

6.8. In the facts and circumstances of the present case, this Court is constrained to hold that the present petition is nothing but a dilatory tactic, designed to prolong the suit and circumvent the direction of the Hon'ble High Court for its expeditious disposal. The petitioners have failed to make out any compelling or bona fide reason warranting the exercise of discretion under Order VIII Rule 9 of CPC in their favour. Accordingly, this Court is not inclined to entertain the present petition. In the result the petition stands dismissed.

7. Result :

In the result, this petition is dismissed. No costs.

Dictated to the steno-typist, typed by her in her desktop, corrected and pronounced by me in the open Court on this the 05th day of February 2026.

DISTRICT MUNSIF,
PONNERI

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,
PONNERI

Fair/ Draft Order
I.A.No.7/2026
O.S.No.33/2025
Date:05.02.2026
DMC,PNI