

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Thursday, the 11th day of September 2025.

INTERLOCUTORY APPLICATION NO.3 OF 2025

IN

ORIGINAL SUIT NO.33 of 2025

1. S.Selvaraj (dead)

2. S.Dhayas Raj

3. S.Selvarani

4. S.Chrispin Raj

5. Joshua

6. Esther

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

Versus

C.Selvaraj

..... Respondent/Plaintiff

This petition came up before me for final hearing on 10.09.2025 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 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, which has been filed for the relief of recovery of possession. In the original written statement filed by defendants 1 and 2, it is clearly stated that the plaintiff has only filed Xerox copies of several documents. The defendants contend that the plaintiff should be directed to produce the originals, which they are duty bound to do. Once the plaintiff produces the originals in court, the defendants will have the opportunity to inspect them. After perusing these documents and ascertaining their authenticity, genuineness, and validity, the defendants will file a detailed and comprehensive additional written statement that will address these documents effectively. The right to file such a comprehensive additional written statement in relation to the original documents has been explicitly reserved. In the original written statement filed by defendants 1 and 2, it is noted that on 04.08.2025, the present respondent filed a memo along with some original documents and a registration copy of one document. The petitioners filed their objections to the memo. However, the documents were produced very late, and the petitioners were only able to inspect them along with their counsel on 08.08.2025. Therefore, the petitioners now wish to file an additional written statement in response to these documents in detail, for which they have every right. If such an additional written statement is not allowed, the petitioners will be subjected to irreparable loss, damage, and injury. Hence, this petition is filed.

3. Brief averments of the counter filed by the 1st respondent are as follows:

3.1. The respondent/ plaintiff has filed a suit against the defendants for eviction, recovery of rental arrears, and future damages. The 1st defendant had been a tenant under his vendor, Jamal Abdul Salam, for the suit property, with the rental agreements expiring in 1988. The respondent purchased the property by a sale deed dated 06.09.2012, thereby stepping into the shoes of the vendor. Upon the defendants'

refusal to vacate the property, the respondent issued a notice on 25.09.2014 terminating the lease and demanding vacant possession, to which the defendants replied on 14.10.2014, stating they would issue a detailed response after receiving copies of the documents. The defendants filed a written statement on 09.07.2015, admitting the tenancy and the terms of the original agreement. However, the only defense raised by the defendants is an alleged oral assurance made by the original landlord that the 1st defendant could not be evicted for 50 years, a claim the respondent asserts is legally unsustainable. This defense is invalid because oral assurances cannot supersede the terms of a written lease or a lawful lease agreement.

3.2. Following the death of the 1st defendant, his legal heirs were brought on record, and the defendants filed an additional written statement on 16.09.2022, admitting the Sale Deed executed by the legal heirs of the original landlord. However, the defendants raised a lis pendens claim, despite acknowledging the landlord-tenant relationship, which they knew could not be contested. The defendants have been employing various dilatory tactics to delay proceedings, taking advantage of the fact that only a small symbolic amount of Rs.1000/- was claimed as damages. The respondent filed a petition with the Hon'ble High Court, Chennai, urging the earlier disposal of the suit. The High Court, in CRP No.2713 of 2022, directed the trial court to dispose of the suit within six months. The case was later transferred and renumbered to O.S.33 of 2025 in the new jurisdiction, where the respondent appeared, bringing to the court's attention the direction issued by the High Court. Despite being given several opportunities to amend the names of the defendants and file responses, the defendants consistently delayed the proceedings.

3.3. As the trial progressed, the defendants' counsel continued to obstruct the process by repeatedly requesting adjournments and objecting to the marking of documents, including certified copies of the Sale Deed, Online Patta, and Tax Receipt. On

11.08.2025, the defendants' counsel refused to cross examine the plaintiff's witness (Pw-1), even after several adjournments had been granted. The counsel then filed a petition challenging the authenticity of public documents presented as evidence, a tactic seen as an effort to prolong the litigation. Hence prays for dismissal.

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 :**

After hearing the arguments presented by both parties and thoroughly perusing the case records, the court has considered the stage of the proceedings. Currently, the suit is at the stage of cross examination of PW1. At this point, the petitioners have sought permission to file an additional written statement. The petitioners contends that, in their original written statement, they had expressly reserved the right to submit an additional statement at a later stage of the proceedings. They further argue that during the cross-examination of PW1, certain documents were marked on behalf of the plaintiff, necessitating the filing of this additional statement to better elucidate and clarify the documents in question. On the other hand, the respondent/plaintiff has raised objections to this petition, pointing out that the petitioners are attempting to delay the proceedings through dilatory tactics. The plaintiff argues that the petitioners have been adopting methods to prolong the litigation unnecessarily. The court has carefully weighed both sides of the argument, considering the potential impact of this petition at this stage. After careful consideration, the court acknowledges that the petitioners did reserve the right to file an additional statement during the earlier

stages of the proceedings. In the interests of ensuring a fair trial and upholding justice, the court is inclined to allow the petitioners the opportunity to elucidate their case as they initially reserved the right to do so. The matters raised through these subsequent pleadings, as well as the defense arguments put forth by the respondent, are to be determined during the course of the trial. However, in order to compensate the delay and hardship caused to the respondent/plaintiff, this court, in the interests of justice, is inclined to allow this petition on following condition.

7. Result :

In the result, this Petition is allowed subject to payment of costs of Rs.500/- payable by the petitioners to the respondent/plaintiff on or before 17.09.2025 for reporting compliance on 18.09.2025 failure of which, this petition shall stand automatically dismissed without any further orders.

Dictated to the steno-typist, transcribed and typed by her in her desktop, corrected and pronounced by me in the open Court on this the 11th day of September 2025.

DISTRICT MUNSIF,
PONNERI

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,
PONNERI

Fair/ Draft Order
I.A.No.3/2025
O.S.No.33/2025
Date:11.09.2025
DMC,PNI