

**IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,  
VELLORE DISTRICT.**

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,**  
District Munsif,  
Gudiyattam.

Thursday, this the 29<sup>th</sup> day of January 2026

**I.A. 09/2025**  
**in**  
**O.S.No. 199/2013**

1. Loganathan  
2. Munirathnam .... Petitioners/ 1, 2 defendants

// Versus //

1. Saleem Basha (Died)  
2. Maseetha Kathoon  
3. Mohammed Zayeem  
4. Azima Zaheena  
5. Sara Zahena  
6. Mohammed Zabeer  
7. A. Shammel Ahmed  
8. Iffath Fathima  
9. Mohammed Anas Abbad .... Respondents/ Plaintiffs

This petition came up on 20.01.2026 before me for final hearing in the presence of Thiru.G.Ramachandran, Advocate for Petitioners and Thiru.A.L.Sureshababu Advocate for the Respondents and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

**Order**

Petition filed under Order 8, Rule 9 and Section 151 of Code of Civil Procedure to receive the additional written statement filed by the

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petitioners/defendants 1 and 2 along with this petition to render justice and pass such other order.

**1. The averments of the petitioner in the application:-**

The petitioner is the 1<sup>st</sup> defendant in the above suit and the 2<sup>nd</sup> defendant is his brother and the petitioner filing this petition on behalf of the 2<sup>nd</sup> defendant also. The petitioner submit that the 7<sup>th</sup> plaintiff created a sale deed in the name of plaintiffs 8 and 9 pending suit and the plaintiffs 8 and 9 were added as plaintiffs 8 and 9 in this suit on their application and the plaint was amended as per order of this Hon'ble court in IA.08/2024 dated 21.01.2025 and this Hon'ble court adjourned the above suit for filing our additional written statement on 02.07.2025 for filing additional written statement. Since the petitioner was held up on other state due to illness he was not able to file additional written statement on 02.07.2025. The petitioner submit that he was attending court regularly on behalf of the 2<sup>nd</sup> defendant also and hence the 2<sup>nd</sup> defendant who is his younger brother also did not attend court under the bonafide belief that the petitioner may attend court on his behalf and further on 02.07.2025 as the 2<sup>nd</sup> defendant was also suffering from dyoria on 02.07.2025 and hence he was also not able to attend court on 02.07.2025 to file additional written statement. Hence this Hon'ble court ordered for further continuation of trial by recording additional written statement inspite several opportunities given to defendants. I humbly submits that our absence on 02.07.2025 is neither willful nor wanton but due to the above reasons. Hence prayed to allow this petition.

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**2. The averments of the counter filed by the 7<sup>th</sup> respondent:-**

The respondents submit that the reasons stated by the petitioners are totally false. This case posted for filing additional written statement on 27.03.2025. And subsequently adjourned to 04.04.2025, 15.04.2025, 30.04.2025, 03.06.2025, 27.06.2025 and finally on 02.07.2025 last chance given for filing additional written statement. But the petitioners wantonly and only to harass the plaintiffs not filed the additional written statement. Subsequently the DW1 appeared on 07.08.2025 and 13.10.2025 for cross examination but while the suit posted for further evidence of the defendants side the present petition is filed with intent to drag on the proceedings hence pleased to dismiss the petition with cost.

**3. Both side enquiry heard.**

**4. Point for consideration:-**

Whether this application is liable to be allowed ?

**5. Evidence:-**

Neither of the parties to this application have adduced any oral or documentary evidence.

**6. Discussion:-**

On considering the submissions made by the both counsels and perusing the available records this court delineate and proceeds its findings based on the following discussion.

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**6.1.** The petitioners are the 1<sup>st</sup> and 2<sup>nd</sup> defendants in the suit. The respondents 1 to 7 filed suit for declaration against the petitioners and one M.N.Baskar. Subsequent to the suit the respondents 2 to 6 sold the suit property to the 7<sup>th</sup> respondent and the 7<sup>th</sup> respondent subsequently sold the property to the respondents 8 and 9 on 23.02.2024. On that as a proper party the respondents 8 and 9 impleaded as plaintiffs 8 and 9 in the main suit. After amending the plaint the plaintiff filed the amended plaint on 20.03.2025. Hence for filing additional written statement on the side of petitioners the case was subsequently adjourned on 27.03.2025, 04.04.2025, 15.04.2025, 30.04.2025, 03.06.2025, 27.06.2025 and finally on 02.07.2025.

**6.2.** It is further submit that from 20.03.2025 to 02.07.2025 nearly 3-1/2 months given to the petitioners to file their additional written statement. But the petitioner side failed to file the additional written statement till 02.07.2025 on that this court passed order and the same as follows: ***“No representation for defendant, sufficient opportunity given to defendants side from 27.03.2025 to till today for filing additional written statement if any, but they failed to file additional written statement hence the case is proceeded further, no additional issues is needed to decide the case, for appearance of DWI for cross call on 21.07.2025”***. The above detailed order was passed by this court on 02.07.2025 but the petitioners failed to take any steps as soon as earlier for filing the additional written statement.

**6.3.** It is further submit that subsequently on 04.09.2025, 24.10.2025, 31.10.2025, 14.11.2025 the 1<sup>st</sup> petitioner appeared but no steps taken by him for filing the additional written statement immediately. The DW1 cross examined on 24.10.2025 itself, while the suit posted for last chance for producing defendants side evidence on 20.11.2025 the petitioners filed the present petition to receive the additional written statement. From 27.03.2025 nearly 19 hearings taken by the petitioners to file the present petition after lapse of 8 months from the date of filing of amended plaint. It is further submit that the suit is pending from the year 2013 but the petitioners successfully prolonged the suit from the stage of judgment on 06.01.2021 and from the stage of argument on 26.09.2023. On considering the above discussion after giving sufficient opportunity only this court passed detailed order on 02.07.2025. Only with intent to prolong the suit the petitioners filed this groundless petition. For proving the medical reasons the petitioners failed to file any documents. The petitioners failed to explain the delay in filing the present petition from 02.07.2025 to 20.11.2025. There is no sufficient cause shown by the petitioners to allow the petition. Only with intent to prolong the suit the present petition is filed. Hence this court not inclined to allow this petition.

## **7. Result:-**

As a result this petition is dismissed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 29<sup>th</sup> day of January 2026.

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Gudiyattam.**

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

**Respondent side Witnesses and Exhibits :-** Nil

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