

In the Court of the Principal District Judge, Villupuram

Present : Thiru.A. Manimozhi, B.A., LL.B.,
Principal District Judge, Villupuram.

Saturday, the 18th day of April 2026

I.A. No.21/2026

in

O.S. No.44/2017

...

- 1) Paunambal (died)
- 2) Indrani
- 3) Saravanan
- 4) Vanitha

... Petitioners /
Plaintiffs

/Vs/

- 1) Murugan
- 2) Sakthivel
- 3) Ilango
- 4) Paranthaman
- 5) Manivasakam
- 6) Manjunathan
- 7) Anandan
- 8) Dhanapal

- 9) Ramalingam
- 10) Sakthivel
- 11) Karnan
- 12) Maithili

... Respondents /
Defendants

This Petition is coming on 16.03.2026 before me for final hearing in the presence of Tr.N.Kannadasan, Advocate for the Petitioners; and of Tr.D.Latchathipathy, Advocate for the Respondent Nos.1 to 7; and Tr.T.Prabakaran, Advocate for the Respondent Nos.9 to 11; and the Respondent Nos.8 and 12 were remained exparte in the main suit itself; and upon hearing the arguments of both side and on perusing the records and having stood over for consideration till this day, this court passed the following...

ORDER

The Petitioners/Plaintiffs filed this petition under Order VIII Rule 9 r/w Sec.151 of the CPC., seeking permission to receive their reply statement in the above suit.

2) a) The case of the Petitioners 2 to 4 is that, their mother,

the 1st Petitioner had filed originally the above suit for partition. Both sides have adduced evidence in the suit, and evidence was closed on 20.03.2024. The arguments of the Plaintiffs' side was completed on 27.03.2024. The suit was then adjourned for arguments on the side of Defendants 9 to 11. Even after several adjournments, they have not come forward to put forth their arguments. Therefore, the suit was reserved for Judgment on 30.04.2024. At that stage, the defendants 9 to 11 filed I.A.Nos.13/2024 and 14/2024 to reopen and recall, and after enquiry, the said petitions were dismissed on 21.01.2025. Then several adjournments have been sought for by representing that they intended to prefer CRP before the Hon'ble High Court. Finally, the Defendants submitted that they did not prefer the CRP. Then the case was adjourned for arguments on 19.06.2025. At that stage, on 14.06.2025 the 1st petitioner died due to old age-related ailments.

b) Then the Petitioners 2 to 4 were added as the legal heirs of the 1st Petitioner, and the plaint was amended. Thereafter, an opportunity was granted to the Defendants to file additional written statements, and both sides were granted opportunity to adduce additional evidence, if any.

c) The Defendants 9 to 11, have not filed their additional Written

statements on the hearing dates 19.12.2025 and 09.01.2026 and then, the 2nd Petitioner (PW2) filed an additional chief proof affidavit, and on the same day, additional written statement was also filed by the Defendant Nos.9 to 11 by making several averments which are not connected to the suit. Therefore, it has become necessary to the Petitioners to file a reply statement denying the various averments made by Defendants 9 to 11 in their Additional written statement. Hence, the present petition.

3) The case of Respondent Nos.9 to 11 as per their counter statement is that, the present suit has been filed by the Plaintiffs on the instigation of Defendants 1 to 8. Already suit in O.S.No.846/1990 was filed before the District Munsif Court, Villupuram by Tr.Paramasivam, the father of the 1st Defendant; Tr.Natesa Asari, the father of Defendants 2 and 3; Tr.Arumugha Asari, the father of Defendants 4 and 5; Tr.Srinivasa Asari, the father of Defendants 6 and 7; and Tr.Ranganatha Asari, the father of the 8th defendant, as Plaintiffs, for the relief of declaration of title and permanent injunction as against the defendants 9 to 11. The said suit was dismissed on 19.10.1994, by observing that the Defendants had been in possession and enjoyment of the property for over 12 years and

therefore, the Plaintiffs therein were not entitled for declaration and permanent injunction. The Appeal in A.S.No.18/1995, filed against the Judgment and decree passed in O.S.No.846/1990 was also dismissed, by confirming the Judgment of the Trial Court. Since, the previous suit Judgment went against the Plaintiffs, they colluded with the Defendants 1 to 8 and filed the present suit through the Plaintiff by stating incorrect aspects. Already the issue has been decided in the previous suit. The present Plaintiffs are attempting to obtain Judgment by suppressing the Judgment already delivered in the previous suit. Hence, the present suit is barred by res judicata. The collusion between the Defendants 1 to 8 and the Plaintiffs could be very well seen by the fact that the Defendants 1 to 8 have endorsed 'no objection' to the present petition. Therefore, the petition is liable to be dismissed.

4) On the side of Respondents 1 to 7, the learned counsel has made an endorsement that the Respondents have no counter. The Respondents 8 and 12 were remained *exparte*.

5) No witness was examined and no document was marked on either side in the enquiry.

6) Heard arguments on both sides and perused the records.

7) **The points for consideration are :-**

1. Whether the Petitioners are to be permitted to file reply statement?
2. Whether the petition has to be allowed?

8) **Answer to the Point Nos.1 and 2:-**

a) The Petitioners (Plaintiffs) seek leave of the Court to file a reply statement in response to the additional written statement recently filed by the Defendants 9 to 11.

b) According to the Petitioners, an additional written statement has been filed by the Defendants 9 to 11, introducing irrelevant pleadings; the Defendants 9 to 11 already pleaded about the prior suit proceedings in their written statement itself; now they have again reproduced the same aspects; their intention is only to delay the proceedings; and therefore it has become necessary to clarify specific denials regarding the irrelevant facts and pleadings in the additional written statement.

c) A perusal of the counter statement shows that the Respondents 9 to 11 have only raised general objections and stated that the

Petitioners and Respondents 1 to 8 (Defendants 1 to 8) are hands-in-glove in prosecuting the suit. There is no other serious objections raised by the Respondents.

d) This Court feels that, since the Defendants were permitted to file an additional written statement, the principles of natural justice require that the Petitioners should also be afforded an opportunity to file a reply statement. While subsequent pleadings are generally not allowed without the leave of the Court, the Court possesses wide discretion to permit such pleadings if they are necessary to clarify the points in issue. Admittedly, based on the pleadings in the written statement regarding earlier litigation, the first issue has been framed as, whether the suit is maintainable? In the said circumstances, this Court is inclined to accept the claim of the Petitioners in seeking leave to file their reply statement.

e) Further, allowing this petition will not change the fundamental nature of the suit, nor will it cause irreparable loss to the Defendants, as they retain the right for further cross examination of the Plaintiffs' witness (PW2) on these points during the trial.

f) For the above reasons, this Court decides that, in the interest of

justice and to ensure a comprehensive trial, the Petitioners have to be permitted to file the reply statement and that this petition has to be allowed. The Point Nos. 1 and 2 are answered accordingly.

RESULT :

In the result,

i) The Petition is allowed, permitting the Petitioners to file the reply statement.

ii) The reply statement, enclosed with this petition, is hereby received and taken on file.

iii) There is no order as to cost.

Order dictated by me to the Stenographer, transcribed by her in the Computer, corrected and pronounced by me, in the open court, this 18th day of April 2026.

**Principal District Judge,
Villupuram.**

List of witness examined and document marked on the side of the
Petitioners :-

- Nil -

List of witness examined and document marked on the side of the
Respondents :-

- Nil -

sd/-A.M
P.D.J,
VPM.

Draft / Fair Order :
I.A.No.21/2026 in
O.S.No.44/2017
Dated: 18.04.2026.