

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, VIRUDHUNAGAR

Present : **Tmt.S.K.ANGALAESWARI, B.A., B.L.,**
ADDITIONAL DISTRICT JUDGE,
VIRUDHUNAGAR.

Tuesday, the 21st day of April, 2026
I.A.No.40/2022 in
OS.No.85/2021

S.Ramar	...	Petitioner/Plaintiff
	Vs.	
Muthuraman	...	Respondent/Defendant

This petition came up before me on 01.04.2026 for final hearing in the presence of Thiru.D.Dhanachandra Prakash, learned advocate for the petitioner and Thiru.M.Subburam, learned advocate for the respondent and upon considering all material records in this case and having stood over till this day for my consideration, this court deliver the following . . .

ORDER

This Petition is filed Order 8 Rule 9 and section 151 of CPC to receive the accompanying reply to the written statement filed by the Petitioner/Plaintiff.

2) The averments of the Petition affidavit in brief are as follows:

The petitioner well acquainted with the facts of the case. The respondent/defendant has filed the written statement with misleading and untrue averments. Hence he is constrained to submit a reply to the said written statement. This court is duly empowered to receive the reply to the written statement under Order 8 Rule 9 CPC. If the accompanying reply to the written statement is not received by the court he will put into irreparable loss and damage. Therefore it is just

and necessary to receive the accompanying reply to the written statement filed by petitioner. Hence this petition.

3) The averments of the Counter affidavit filed by Respondent in brief are as follows:

The respondent/defendant herein and as such he is well acquainted with the facts of the case and he is competent to swear and file this counter Affidavit. The averments and allegations made in the reply statement accompanying the affidavit filed in the above application are over read and explained to the this respondent/defendant in Tamil and he, being understood the same, deny all the said averments and allegations made therein as false and untrue except those that are specifically admitted here under. He hereby deny the averments made in unnumbered 2nd paragraph of the reply statement as utter false. The plaintiff is put to strict proof the same as agricultural activities are carried on in the remaining 18 Acres 63.5 Cents of the suit property. He also deny the averments set out in the unnumbered 2nd paragraph also untrue and made only for purpose countering the defendant by making contra averments to the actual happenings. He hereby reiterated the averments made in 5th paragraph of his written and the plaintiff is put to strict proof the contra averments. The averments made in unnumbered 4th paragraph of reply filed by the plaintiff are not true. The licensing authority issued license only after thorough verification of all the required documents. As far as the writ in petition in W.P(MD)No.7760 of 2021 filed by the plaintiff before the Hon'ble Madurai Bench of Madras High Court is concerned, the same is pending for name sake only without any interim order as the plaintiff failed to raise any valid grounds for cancellation of license and the same cannot have any impact over the present suit. The said averment was made only to confuse this Court.

The allegations and averments made in unnumbered 5th paragraph of reply filled by plaintiff are false. Only out of the close relationship between the plaintiff

and defendant, he paid rupees 5 Lakhs as advance for purchasing the plaintiff's share of the suit properties vide a gentleman agreement but the plaintiff after receiving the lump sum, run away by violating the term of the oral agreement. He expected the plaintiff to be a gentleman but he proved himself as a cheater who deliberately failed to sell the properties and misappropriate the said 5 Lakhs and clandestinely filed the present suit with false allegation and averments in order to grab the properties. More over the law is changed a lot and the Hon'ble Apex Court recently held that the agreements need not to be registered to seek the specific performance of the same.

He hereby deny 1st part of the averments made in unnumbered paragraph 6 of reply filed by the plaintiff as false. The alleged agreement dated 06.05.2016 was not at all executed by him but it is created one by misusing his signature. Even assuming that he entered in to such an agreement with the plaintiff, what prevented him from enforcing the same? It is pertinent to note here that the said agreement is also unregistered one. When the plaintiff is clever enough to question the valued of one unregistered agreement how he accepted to enter into such an unregistered agreement and this crystal clear shows that the plaintiff used to change his stand time to time and place to place. So all the allegations made against him are unadulterated lies. The suit as well as criminal case filed by the said Manickavel is nothing but the outcome mismanagement of Fireworks Company by the plaintiff. Any how he came out of the said litigation by getting acquittal in the criminal case. So he only was very much frustrated by the plaintiff who left his share of suit properties to be attached by this Court in the above said suit filed by Manickavel in O.S.No.18 of 2015 before this Court and judgment & decree was granted on 09.08.2019.

The averments in unnumbered 7th paragraph of reply filed by the plaintiff are totally false and made only for the purpose of influencing the mind of this court. In fact, he is not at all aware of the said Cr.M.P as he have not received any summons either from the Judicial Magistrate Court or from the police station. As a matter of

fact the plaintiff only resorted to initiate numerous litigations in order to grab money from him and also to ruin the new business started by his son. Hence there is no any iota of truth in all the allegations made by the plaintiff in his reply statement and the same should not be received. As far as the averments made in unnumbered paragraph 8 is concern they are also denied as bald one and he very well reiterate the averments made in paragraph 10 of his written statement. The averments made in unnumbered paragraph 9 of reply filed by the plaintiff are also untrue. All the liabilities in the name of M/s.Ramesh Firework Factory were incurred only by the mismanagement of the plaintiff while running the same. The plaintiff, after making the factory heavily indebted, run away from the business after grabbing considerable amount from him under the guise of sale of his share and leasing out suit property to one Thirupathy and now came with the present suit by suppressing all those facts, with fails allegations. The plaint as well as the reply statement filed by the plaintiff are nothing but sacks with full of unadulterated lies in order to influence the mind of this court. The plaintiff has come to this court with unclean hands tainted with illegality and therefore the above Suit is liable to be dismissed as devoid of merits. Hence it is prayed that to dismiss the petition with cost.

4. Point for consideration:

1. Whether this petition is to be allowed or not?

5. Points :

- i. Heard both side Argument. Petition affidavit and Counter affidavit filed by the Petitioner and Respondent and also records available in this case were perused.
- ii. For the sake of convenience the parties are arrayed as per their rank in the suit.

5.1) It is the contention of the plaintiff that the defendant has filed the written statement with misleading and untrue averments. Hence the plaintiff take leave of this court in way of filing this application to receive the reply statement on behalf of him.

5.2) On contrary to above said submissions of the contention of the defendant that the plaintiff filed this application with unclean hands tainted with illegality. Moreover the plaint as well as reply statement filed by the plaintiff are nothing but sacks with full of unadulterated lies. The above said application was filed by the plaintiff intend to prolong the case proceedings. Hence this application strongly objected by him.

5.3) By considering the overall facts and the circumstances of this case and by perusing the records this court finds that before going to the merit of the application it is just and necessary to extract a law namely Order 8 Rule 9 of Code of Civil Procedure hereunder,

“9. Subsequent pleadings - No pleading subsequent to the written statement of a defendant, other than by way of defence to a 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 for presenting the same.”

5.4) In the light of the above said provision of Rule 9 of Order 8 CPC provides categorically that the Additional Written Statement can be filed only with leave of the court and upon such terms as the court thinks fit. But from the above fact and circumstances of the case this court finds that the plaintiff filed this application under Order 8 Rule 9 for filing Reply Statement to written statement filed by the defendant.

5.5) It is pertinent to note here that the said provision allows a party to bring on record further pleadings after the written statement has been filed. The court would assist the plea of the party as regards the justification and cogent reasons for filing reply statement and as to why said pleas could not be raised at the time of filing the plaint. However filing of reply statement cannot be claimed as a matter of right and a party would have to established plausible grounds for granting leave to file reply statement. In the present case on hand on reply statement is sought filed by the plaintiff to bring a subsequent development on record which as per the written statement filed by the defendant in this case. Hence the reason given by the plaintiff in the affidavit in support of the application is satisfied.

5.6) So this court has a considered view that for filing reply statement of the plaintiff is relevant to the facts of the case. It is not the expectation in every matter that there is a reply statement. But, going by the peculiar facts and circumstances of the case such a reply statement have been filed by the plaintiff. Hence such those circumstances, in this case filing of reply statement by the plaintiff is required. Hence this court give some force to the averments mentioned by the plaintiff in her affidavit. Accordingly this court inclined to allow this petition.

In the result, This petition is allowed. No cost.

Dictated to the steno-typist, directly typed by her in the computer, corrected and pronounced by me in open court, on this the 21st day of April 2026.

Additional District Judge,
Virudhunagar.

Witness on the side of the Petitioner:

Nil

Exhibits on the side of the Petitioner:

Nil

I.A.No.40/2022 in O.S.No.85/2021
Date : 21.04.2026

Additional District Court
Virudhunagar

Witness on the side of the Respondent:
Nil

Exhibits on the side of the Respondent:
Nil

Additional District Judge,
Virudhunagar.