

In the Court of Subordinate Judge, Aruppukottai

Present : Thiru. V. Ramalingam, B.Sc., B.L.,
Subordinate Judge, Aruppukottai.

I.A.No.3/2022 in O.S.No.103/2021

Monday, the 28th Day of November 2022

Ganesan	...	Petitioner/Plaintiff
	/ Vs/	
1. Athisivan		
2. Velayutham		
3. Arumugam		
4. Sakkaiya		
5. Chandran		
6. Murugan		
7. Selvi		
8. Panchavarnam	...	Respondents/Defendants

This Application came up for final hearing before me on 21.11.2022 in the presence of Thiru. T. Rajadesingh, Advocate for the Petitioner/Plaintiff and Thiru.P. Therirajan, Advocate for the 1st to 6th Respondents and 7th, 8th Respondents remained exparte and upon hearing the arguments on both side and upon perusing the records, having stood over till this date for my consideration, this Court passed the following

ORDER

1. This Application has been filed by the Petitioner/2nd Respondent Under Order 8 Rule 9 and Section 151 CPC to accept the reply statement.

2. Brief averments of Petition :-

On 06.12.2021, the Respondents/Defendants filed Written Statement by stating false averments. Hence, the Petitioner filed Reply Statement by stating true averments. Hence, the reply statement is to be accepted and this petition is to be allowed.

3. Brief averments of Counter of 4th Respondent adopted by 1st to 3rd, 5th, 6th Respondents:-

The Petition filed by the Petitioner is false. The Petitioner has filed this petition by suppressing true facts, hence this petition is bad for suppression of real facts. The suit property is not in enjoyment of Plaintiff. The Plaintiff's case is barred by limitation Act. This petition has been

filed to drag on the main case proceedings. Further, this petition has been filed to confuse the written statement filed by this Respondents. Hence, this petition is liable to be dismissed.

4. The 7th, 8th Respondents are remained ex parte.

5. Point for consideration in this Application is whether this Petition is to be allowed or not?

6. **Point:-**

Heard both sides. Perused available records.

7. The Petitioner has filed this Application to accept the Reply Statement. Eventhough, the 1st to 6th Respondents has vehemently opposed the Petitioner's case, they have not stated in their counter as what kind of prejudice would cause if at all this application is allowed. Further, the 1st to 6th Respondents have not stated any strong objection in their counter. Hence, this court feels that a fair opportunity will be given to the Petitioner, since this is court of first instance and the reason stated in the application is acceptable. Hence to putforth both side case before this court to decide the suit on merit, this court grants opportunity to the Petitioner.

8. In the result, this application is allowed. No cost.

Dictated to the Stenographer and typed by her in the computer directly and after correction, this Order is pronounced by me in the Open Court this the 28th day of November 2022.

Subordinate Judge,
Aruppukottai.

Witnesses examined on the side of the Petitioner, Respondents:-
Documents marked on the side of the Petitioner, Respondents:-

Nil
Nil

Subordinate Judge,
Aruppukottai.

Sub Court, Aruppukottai
I.A.No.3/2022 in O.S.103/2021
Order dated: 28.11.2022