

IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF, ARUPPUKOTTAI

Present: Tmt. P.Kalai Nila, M.L.,

Additional District Munsif, Aruppukottai.

Dated this Wednesday, 06th day of July 2022

I.A. No.3/2022 in O.S. No.51/2017

1. Mr.S.Ramamoorthy
 2. Mrs.S.Radhamani
 3. Mr.S.Radhakrishnan
 4. Mrs.S.Vijaya
 5. Mrs.S.Usharani
- ... Petitioners / Plaintiffs

..VS..

1. Mrs.B.Senthivel
 2. Mr.V.Bose
 3. Mr.M.Rajapandi
 4. Tmt.Angayarkanni
- ... Respondents / Defendants.

This petition is coming before me for final disposal in the presence of Advocate Mr.G.Ramapandian, the learned counsel for the Petitioners / Plaintiffs, Advocate Mr.S.Parthasarathy, the learned counsel for the 3rd and 4th Respondents / 3rd and 4th Defendants and Respondents 1 and 2 called absent and set exparte. Heard both sides argument and upon perusing the documents, this court doth hereby pronounce the following....

ORDER

This petition has been filed u/s.151 C.P.C. to receive the reply statement of the plaintiffs.

2. The brief case of the Petitioners

The petitioners herein are the plaintiffs in the suit. The main suit is for a relief of declaration against the respondents / defendants. The respondents filed their written

statement and the suit is posted for trial. The respondents / defendants have filed the statement stating that the father of the petitioners, M.Sreenivasan has received a sum of Rs.70,000/- by cash towards sale consideration for the suit property and also executed a cash receipt for the said amount on 20.11.1995 while executing the general power of attorney in favour of the 1st defendant. But the father of the petitioners M.Sreenivasan never received any such amount much less Rs.70,000/- as sale consideration from the defendants and he never executed any such cash receipt. The said sale receipt was perused by the petitioners in this Hon'ble Court on 10.02.2022 after getting the permission, which necessitated the petitioners to file a reply statement for the written statement of defendants. The reply statement and the same has to be received in the interest of justice. Hence, this application is filed for an order to receive the reply statement on petitioners side and if the reply statement is not received, the petitioners will be put to untold hardship and irreparable loss. It is just and necessary to receive the reply statement of the plaintiffs filing before the proper court. Hence, the present petition has been filed u/s.151 C.P.C. to receive the reply statement of the plaintiffs. Hence, the petition.

3. Objection filed by the 3rd and 4th respondents in brief:-

The respondent objects the petition filed by the petitioner. The petition is false and frivolous on 22.02.2021 additional written statement of D3, D4 has been filed and on the same date the receipt dated 20.11.1995 has been filed in the court by serving copy on the petitioners. Now the suit is posted for trial and in order to drag on the proceedings the petitioners have come forward with this petition. No specific reason has been stated in the petition for filing the reply statement with delay. Hence, this petition is liable to be dismissed.

4. No oral and documentary evidence let in.

5. The Point for determination

Whether the petition can be allowed or not is the point for determination for the present petition?

6. On Point

This court considered the arguments advanced by the counsel of the petitioners and 3rd and 4th respondents. The petition has been filed by the petitioners to receive the reply statement filed by them along with this petition. Admittedly, on 22.02.2021 the respondents herein have filed additional written statement. Thereafter, on 22.06.2021 additional issues were framed by this court. Further, the court has directed the plaintiffs to proceed with the trial on 08.07.2021 and on 10.02.2022 after long adjournments for plaintiff side evidence, the petitioners have filed a memo to peruse the documents filed by the respondents herein and on 20.04.2022 the present petition has been filed.

7. The reason assigned for non-filing of reply statement immediately after filing of additional written statement is that, the documents filed along with the written statement was perused only on 10.02.2022. However, the plaintiff very well know regarding the commencement of trial and the stage of the suit and at this juncture, he has filed the present petition. The reply statement is filed with delay. But, the parties to the suit have right to defend their case by way of filing reply to the contention of the other parties. Hence, in the interest of justice, this court allows the petition on certain conditions. The petition will be allowed on payment of cost of Rs.500/- by the petitioner to the respondents on or before 14.07.2022. Call on 15.07.2022.

8. In the result, this petition is allowed. No cost. Call on 15.07.2022

Dictated to Steno Typist, taken down by her in shorthand, transcribed and typed by her in computer, corrected and pronounced by me in open Court this the 6th day July 2022.

Additional District Munsif,
Aruppukottai.

Petitioners Side Oral and Documentary Evidence : Nil

Respondents side Oral and Documentary Evidence : Nil.

Additional District Munsif,
Aruppukottai.

Uploading orders / Judgments / Depositions : Yes.

Additional District Munsif Court,
Aruppukottai
I.A. No.3/2022 in O.S. No.51/2017
Fair Order / Draft Order
Dt :06.07.2022
