IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE ARUPPUKOTTAI

Present : **Thiru. M. VASANTHA KUMAR, M.L.,**
Additional District Judge, Aruppukottai.

Wednesday, the 03rd day of September, 2025

I.A. No. 02/2024 in O.S. No. 226/2023

1. Jerald Regan.
2. Thirumavalavan ... Petitioners/Plaintiffs.

//Vs//

Isithor ... Respondent/Defendant.

This petition came up before me on 20.08.2025 for final hearing in the presence of Thiru. B. Vijayarengan, Learned counsel for the Petitioners and Thiru. L. John Xavier Raj, Learned counsel for the respondent and upon considering all material records in this case and hearing the arguments of both sides and having stood over till this day for consideration and this court delivered the following

ORDER

This is an application filed by the petitioners/Plaintiffs under Order 8 Rule 9 and Section 151 of C.P.C. to receive reply statement.

2. The Brief averments of the petition and affidavit is as follows

The petitioners/plaintiffs have filed this suit for recovery of money. The respondent also filed written statement. In the written statement, the defendant has stated false and fraudulent allegations and hence the petitioners have filed the reply statement. The contentions in the reply statement are very necessary to this case. The oral evidence may be reduced during the trial. The facts in the reply statements are all true facts and hence, this petitioners/plaintiffs have to be permitted to file the reply statement.

3. The Brief averments of the counter filed by the 1st and 2nd respondent is as follows

3.1 This petition is not maintainable. The 1st petitioner's wife namely Uma is working as Tamil Nadu GST Commissioner in Chennai and the respondent is doing auditor work in Chennai. On the advice of said Uma, the 1st plaintiff allotted a office room in his another house at Chennai to the defendant, for running auditor office. The defendant and the 1st petitioner's wife were professionally well known to each other. The 1st petitioner's wife Uma, while working as a GST Commissioner, visited many companies and illegally received bribes and accumulate many assets illegally. The above details are well known to the respondent, since he is a friend of Uma. It is true that the respondent was residing in the house of Uma, since said Uma allotted one portion for auditor office and residence.

3.2 In the year 2019, the 1st plaintiff started Jaani Holdings and Anni Export companies holding the defendant as partner and registered in the GST office using his wife's influence. Since the 1st plaintiff did not have any work, the wife of the 1st plaintiff started the company to do business with the respondent and the 1st plaintiff has been the partner of the company JAANI HOLDINGS till date. In the criminal case registered by the Central GST Investigation Division, Trichy in C.C. No. 987/2023, Uma has saved the 1st plaintiff and implicating only the respondent by spending up to Rs. 40,00,000/- and has also filed a false criminal case against the respondent for preparing fake invoices for various companies. Taking advantage of the respondent was in prison, on the advice of Uma, the plaintiffs and Uma have fraudulently prepared an unregistered sale agreement dated 13.07.2022 in respect of suit properties at

Aruppukottai by forging the signature of the defendant. The signature in the sale agreement is not the signature of the respondent. It does not bind the respondent. The respondent did not execute any sale agreement by receiving an advance amount of Rs. 10,00,000/- in respect of suit property. The respondent did not fix the sale amount as Rs. 1,20,00,000/-. It is false to state that the plaintiffs were willing to pay the remaining sale amount to the respondent/defendant and register the sale deed to execute the sale agreement.

3.3 In fact, the suit property belongs to a private company namely M/s Infotech Solution. The respondent, as the owner, given the suit property as security and got a term loan of Rs. 1,25,00,000/- from the Tamilnadu Mercandile Bank, Tirupur main branch and presented the original documents before TMB Bank and executed Equitable Mortgage deed on 03-02-2017. The respondent did not repay the loan to the bank. Hence, the Tirupur Tamil Nadu Mercantile Bank taking action under the Sarfaesi Act and on 17-06-2022, the suit property was sold to Tridot Real Estate Private Ltd. company through public auction. Hence the respondent has no right over the suit property since 17-06-2022. Hence it is false to state that in respect of suit properties the respondent executed a sale agreement. It is also false that the plaintiffs have paid Rs. 11,00,000/- to the respondent through RTGS on 15-07-2022. It is also false that the plaintiffs have also given 150 sovereigns of gold jewels worth Rs. 56,00,000/- and on 10-10-2022 they also paid Rs. 43,00,000/- in cash and the defendant also gave receipt for this. The receipt dated 10.10.2022 is a forgery one. The signature in the receipt is not the signature of respondent. Without seeing any document and without knowing the owner of the suit property, the plaintiffs entered sale agreement in respect of suit property for a huge amount of Rs. 1,20,00,000/- is not a believable one. Since the suit property was already alienated, the plaintiffs have not filed a suit for specific performance and filed the suit for recovery of money. The plaintiffs have stated that they have paid Rs. 10,00,000 on 13.07.2022, Rs. 11,00,000 on 15.07.2022, and 150 sovereign of gold jewels worth Rs. 56,00,000 and cash of Rs. 43,00,000 on 10,10,2022. But even after the full sale amount of Rs. 1,20,00,000/- was paid by the plaintiff, on 10-10-2022 or on the next day, they have not take any steps to register the sale deed. No reason has been given for not taking steps to register the sale deed for one year and not even a small photograph was taken while giving the gold ornaments to the respondent. When the respondent, plaintiffs and Uma all were residing in Chennai, on 10-10-2022, why they came to Aruppukottai to execute the sale agreement.

3.4 Further, it is false to state that the respondent has received the notice on 03-10-2023, since on that day the respondent was kept in the Trichy Central Jail. No notice was sent to the respondent. It is false that the respondent/defendant has stated that he intends to sell the properties and other assets found in I.A. No. 1/2023 to third party. To escape from the criminal case registered by the Central GST Investigation Division, the plaintiffs have filed this case to show that there is already enmity between the respondent and the plaintiffs. The facts stated in the petition are false and prays to dismiss the petition.

4. Point for Determination :

Whether this petition deserves to be allowed or not.

Heard the Counsels for both sides. Records perused. No Oral and Documentary evidence adduced by both sides.

5. This petition is filed by the petitioners, who are the plaintiffs in the main suit, seeking to receive the reply statement. In support of the petition the learned counsel for the petitioner contended that the suit is filed for recovery of money and written statement was filed by the defendant and in the written

statement the defendant has stated false allegations against the plaintiffs and hence the plaintiffs denied the above averments in the reply statement. On the side of respondent it is contented that a false case has been filed by the plaintiff against him and the plaintiffs had filed this reply statement in order to fill up the lacuna in this case. The counsel for the petitioner contended that it is the specific duty of the plaintiffs to deny the averments against them in the written statement and prays to allow this application.

6. By considering the rival submissions and by perusing the materials available on record, it found that this is a suit for recovery of huge sum of Rs. 1,20,00,000/-. The defendant also filed a written statement, in which he denying the suit claim and made averments against the plaintiffs. In order to substantiate the suit claim, the initial burden is on the plaintiff and he has to prove the transaction and execution of receipt. Since there was a dispute with regard to the nature of the transaction made between the plaintiffs and defendants, the plaintiff is bound to prove the suit claim. Since the defendant had specifically denied the execution of receipt, this court feels that for better and proper appreciation of the facts of this case and in order to establish the dispute between the plaintiffs and defendants with regard to the suit claim, the plaintiffs have to be given opportunity. On perusal of the reply statement, it is seen that there is nothing inconsistent with the plaint filed by the plaintiff. Since, the defendants come forward with an allegation against the petitioners/ plaintiffs, they have to be given opportunity to file necessary pleadings denying the allegations in the written statement. Accordingly this court is inclined to allow this petition seeking to receive the reply statement. Further it is made clear that by allowing this application, this court does not come to the conclusion that the plaintiff has proved his case and receipt of reply statement does not give any advantageous position to the plaintiff. It is a settled

proposition that the plaintiff has to prove his case. The averments in the reply statement has to be proved by the plaintiffs by adducing oral or documentary evidence in a manner known to law. With the above observation this petition is allowed.

7. In the result, this petition is allowed. No cost.

Dictated by me to the steno-typist, transcribed and typed by her in computer, corrected and pronounced by me in open court, on this the 03rd day of September, 2025.

M VASANTHA KUMAR Digitally signed by M VASANTHA KUMAR

Additional District Judge
Aruppukottai.

<u>List of Witness and Exhibits on the side of the Petitioners:</u> Nil.

<u>List of Witness and Exhibits on the side of the Respondents:</u> Nil.

M VASANTHA KUMAR Digitally signed by M VASANTHA KUMAR

Additional District Judge
Aruppukottai.