

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
ARUPPUKOTTAI**

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

Monday, the 08th day of September, 2025

I.A. No. 02/2025 in O.S. No. 270/2024

1. M. Aandichami.
2. M. Manikandan.
3. R. Kodeeswari.
4. M. Chitra.
5. K. Vijayalakshmi.
6. Boomilakshmi.
7. Murugeswari.
8. Alagurani.
9. Kodeeswari. ... Petitioners/Plaintiffs.

//Vs//

1. Ravichandran.
2. Vijayendran.
3. Soorammal.
4. Kodeeswari.
5. Rajaguru.
6. Pasupathi.
7. Kodeeswari.
8. Alagarakkal.
9. Muthuraj.
10. Chellamuthu.
11. Sakkammal.
12. Murugeswari.
13. Mahendran.
14. Muthulakshmi.
15. S. Sudhagar
16. Valarmathi.
17. Muthuramu.
18. Muthulakshmi.
19. The Sub Registrar,
Sub Registrar Office,
Thiruchuli Town.

20. The Government of Tamilnadu
through its Virudhunagar
District Collector. ... Respondents/Defendants.

This petition came up before me on 28.08.2025 for final hearing in the presence of Thiru. A. Ananthan, Learned counsel for the Petitioners and Thiru. N. Solairaj, Learned counsel for the respondents 1 to 5 and respondents 5 to 9 remained exparte and the 20th respondent had not appeared before this court 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 6th petitioner, who is the 6th plaintiff in the suit, has filed this affidavit for herself and on behalf of other plaintiffs. On the side of defendants 1 to 4, written statement was filed on 10.01.2025. The averments in the written statement are all denied as false. In the written statement it is falsely stated that in the year 1975, the family properties have been partitioned by the legal heirs of Pattamuthu Naickar and they have transferred the patta in their name and the suit scheduled 1st to 11th items were allotted to Pattamuthu Naickar. Further it is falsely stated that on 12.08.1980 they purchased 35th item from Gurusamy and Mariyammal and the properties in the Regunathamadai village were sold by defendants 1 to 18 to plaintiffs and the 10th defendant mortgaged the property, which was allotted to his share, in the cooperative society and the 10th defendant sold suit scheduled items 24 to 29 to Jeyaraj and Balammal and Vellaiyamal are

enjoying the properties in Agathakulam Village. Hence to object the above averments, the plaintiffs have to be permitted to file the reply statement.

3. The Brief averments of the counter filed by the 2nd respondent, which is adopted by respondents 1, 3 and 4 is as follows

The 2nd respondent is the 2nd defendant in the suit. The 1st and 3rd to 5th respondents are his brothers and sisters. The averments in the reply statement are all false. The written statement was filed on 06.11.2024. The petitioner has wantonly filed reply statement with false averments after 7 months. This petition is frivolous 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. By considering the rival submissions and by perusing the materials available on record, it found that

6. This petition is filed by the petitioners/plaintiffs seeking to receive the reply statement. In support of the petition the learned counsel for the petitioner contended that the suit is filed for the relief of partition and declaration that some documents are null and void. Further it is contended that on the side of defendants, written statement filed in this case stating that in the year 1975, the family properties have already been partitioned by the legal heirs of Pattamuthu Naickar and the suit scheduled 1st to 11th items were allotted to Pattamuthu Naickar and they also transferred the patta in their name for their respective shares and on that basis the plaintiffs and defendants made alienation in respect of their shares and hence partition is not necessary for the suit properties. Hence, the plaintiffs denied the above averments in the reply statement. On the side of respondents it is contented that already partition was

effected in the joint family 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 a specific duty of the plaintiffs to deny the averments against them in the written statement and prays to allow this application.

7. By considering the rival submissions and by perusing the materials available on record, it found that this is a suit for partition. The defendants also filed a written statement, in which they denied the plaint averments and also stated that already partition was effected among the joint family and the properties were allotted to the parties and patta also transferred to their names for their respective shares. In order to substantiate the suit claim, the initial burden is on the plaintiffs and they have to prove that the suit properties are not partitioned. Except the plea of delay of 7 months in filing the reply statement, there was no serious objection raised by the defendant. Since it is a suit for partition, 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 an opportunity. On perusal of the reply statement, it is seen that there is nothing inconsistent with the plaint filed by the plaintiffs. Since, the defendants come forward with an allegation against the case of the petitioners/plaintiffs, the plaintiffs 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.

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

Dictated by me to the steno-typist, directly typed by her in computer, corrected and pronounced by me in open court, on this the 08th day of September, 2025.

Additional District Judge
Aruppukottai.

List of Witness and Exhibits on the side of the Petitioners: Nil.

List of Witness and Exhibits on the side of the Respondents: Nil.

Additional District Judge
Aruppukottai.