

A.No.6210 of 2016 in
CS.No.297 of 2010

C.V.KARTHIKEYAN, J

This application had been filed, seeking permission to file a written statement on behalf of the Defendants 1, 2 and 4.

2. It has been stated by the learned counsel supporting the application that on an earlier date, the 3rd Defendant alone had filed the written statement and even though in paragraph 1, it had been stated that the said Defendant was authorised to file the said written statement on his behalf and also on behalf of the Defendants 1, 2 and 4, strictly the pleadings on behalf of the Defendants 1, 2 and 4 were not properly put forward. Moreover, in order to avoid technical difficulties, at a later stage, since the said written statement had been verified only by the 3rd Defendant, this application has been filed seeking to take on record the written statement of the Defendants 1, 2 and 4.

3. A counter has been filed on behalf of the Respondent/ Plaintiff. Supporting the said counter, the learned counsel representing the Respondent/ Plaintiff relying on the fact that in paragraph 1 of the written statement already filed,, having taken a stand that the written statement filed earlier was not only on behalf of the 3rd Defendant, but also on behalf of the Defendants 1, 2 and 4, it is represented by her that the present written statement cannot be construed as a primary pleading but to be taken only as additional pleading on the part of the Defendants. It has also been stated that new defence have been taken in the present written statement.

4. I have carefully considered the rival stands.

5. In any suit, in the interest of justice, pleadings have to be pleaded

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to the satisfaction of the parties. In support of the pleadings, the litigants will have to lead evidence which can always be contested during the time of cross examination. Non suiting a party on technical issues may not be fair. On that ground, this application is allowed. However, to safeguard the interest of the Respondent/ Plaintiff, even though proof affidavit has been filed, additional proof affidavit if deemed necessary may be filed. No additional issue arise in view of the written statement taken on file.

30.01.2017

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Index:Yes/No
Web:Yes/No
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