

A.No.2925 of 2019
in
CS.No.424 of 2017

R.SUBRAMANIAN, J.,

This application has been filed seeking leave to file additional written statement along with documents 1 to 4.

2. The original defence of the defendant was that one of the purchasers of the property Ms.Murali Rajagopal had left a Will in her favour. Admittedly the said Will has not been probated. Now by way of additional written statement she seeks to claim that the suit property is a joint hindu family property of Rajagopal and Alamelu Rajagopal and that she is a coparcener.

3. The learned counsel for the respondents/ plaintiffs would contend that the said plea contradictory to the original plea that was raised by the 1st defendant in her written statement and she cannot be allowed to aprobeate and reprobate.

4. The plea relating to the nature of the property which is now sought to be raised cannot be construed to be mutually destructive. It is open to the defendant to raise inconsistent pleas.

R.SUBRAMANIAN, J.,
dsa

5. Hence, this application is **allowed** and the additional written statement along with the documents is taken on file.

6. The following additional issue is framed:

Whether the suit property is a joint hindu family property and the defendant would be a coparcener entitled to a share in the suit property?

7. The Registry is directed to post the matter for continuation of evidence before the learned Additional Master - I on 22.04.2019.

dsa

11.04.2019

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