

A.No.3040 of 2020
in
C.S.No.29 of 2020

R.PONGIAPPAN,J.

Heard.

2.This application has been filed under Order 8 Rule 9 of the Code of Civil Procedure, 1908 by the defendant in C.S.No.29 of 2020, seeking to grant leave to file the Additional Written Statement.

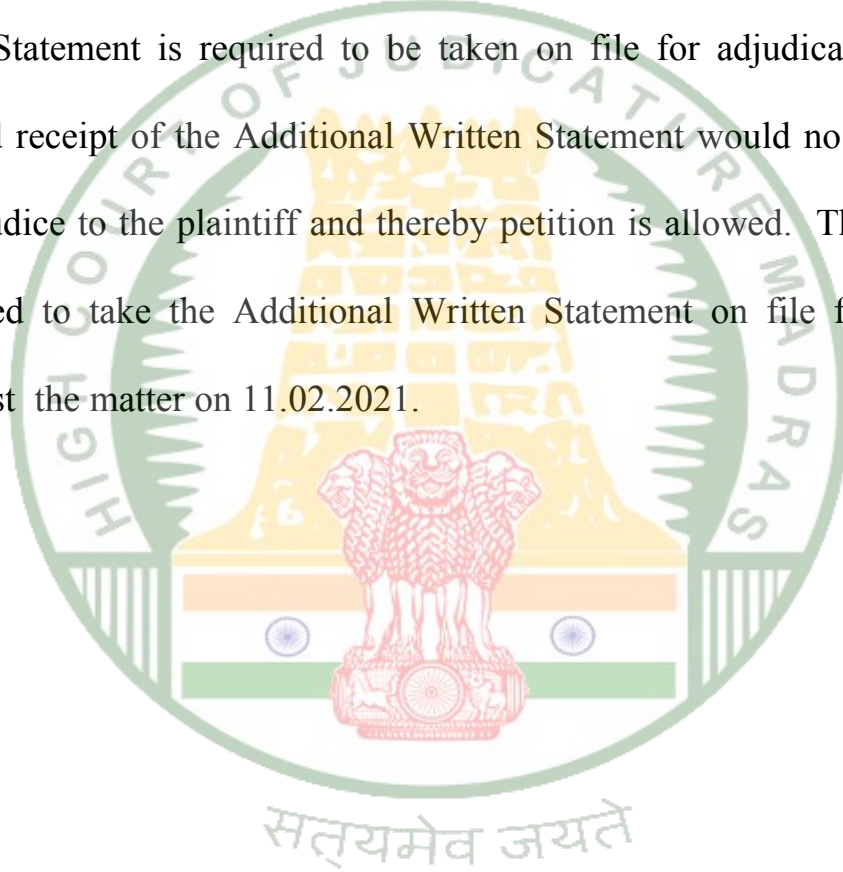
3.The respondent/plaintiff has filed the suit for specific performance and alternatively he also prays for relief to direct the defendant to refund the advance amount. Immediately, after entering into appearance the petitioner/defendant herein filed a written statement wherein he strongly denied the averments found in the plaint. However, before framing the issues he filed this application for the relief to receive Additional Written Statement.

4.In the affidavit filed in support of the application, he would state that the prayer sought for by the plaintiff to return advance amount with interest is not admissible under law. Further, it was averred that the plaintiff

has paid less Court Fee and therefore it is necessary to check the correctness of the Court Fee which paid by the plaintiff by framing a preliminary issue. Since the said objection raised by the defendant is found correct or not, it should be decided only in accordance with law. Therefore, the Additional Written Statement is required to be taken on file for adjudication of the issue and receipt of the Additional Written Statement would no way cause any prejudice to the plaintiff and thereby petition is allowed. The Registry is directed to take the Additional Written Statement on file for framing issues, list the matter on 11.02.2021.

20.01.2021

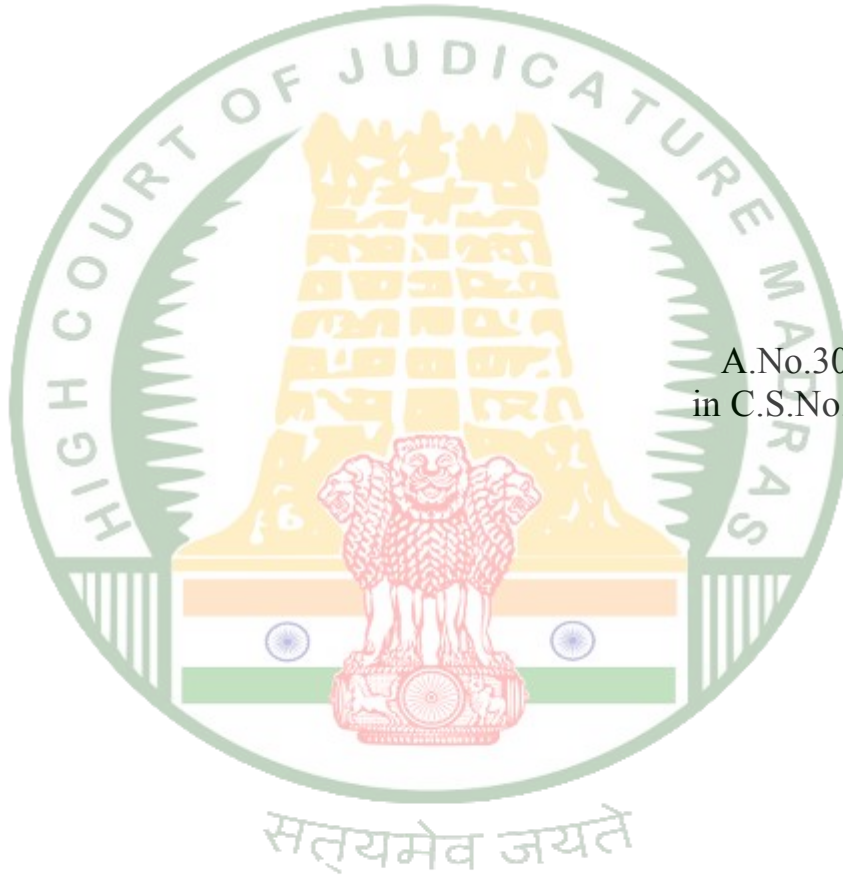
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