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A.No.1769 of 2022

**A.No.1769 of 2022**  
**in C.S.No.59 of 2018**

**SENTHILKUMAR RAMAMOORTHY, J.**

This application is filed under Order VIII Rule 9 CPC seeking leave to file an additional written statement. The applicant states that a written statement was filed earlier but the said written statement was actually in response to a connected suit, namely, C.S.No.54 of 2018. The present application is filed in such facts and circumstances.

2. The first respondent / plaintiff opposes the application on the ground that the applicant seeks permission to file a fresh written statement and not an additional written statement. The plaintiff also points out that issues were framed and the suit was at the trial stage. Therefore, it is stated that great hardship would be caused to the plaintiff if the present application is allowed.

3. Since issues were framed and the suit was at the trial stage, undoubtedly, hardship would be caused to the plaintiff if the present application is allowed. At the same time, greater hardship would be caused to the applicant / first defendant if the present application is rejected. Without

doubt, the first respondent / plaintiff should be permitted to respond to the



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written statement since the applicant proposes to introduce new facts by way of the written statement. In addition, the applicant should be put on terms since this application has been filed at the trial stage.

4. Accordingly, A.No.1769 of 2022 is allowed on the following terms:

i) The applicant shall pay costs of Rs.15,000/- (Rupees Fifteen Thousand only) to the first respondent / plaintiff within a period of ***two weeks*** from the date of receipt of a copy of this order.

ii) The first respondent / plaintiff is permitted to file a rejoinder to the written statement within ***three weeks*** from the date of receipt thereof.

iii) Let the matter appear on 01.07.2022 to re-fix the schedule.

**10.06.2022**

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