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A.No.4645 of 2022

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in
C.S.No.262 of 2021

C.V.KARTHIKEYAN, J.

The suit had been filed by the plaintiff against his own brother seeking permission, that the defendant should return back the title deeds of the suit schedule property.

2. The written statement had been filed claiming title by adverse possession.

3. On those same lines, a counter claim had also been filed, seeking declaration of title through adverse possession.

4. It is stated that in filing the said counter claim, there has been a delay.

5. The present application has been filed to permit the counter claim to be taken on record.

6. Counter affidavit has been filed to the said application stating that cogent reasons has to be given for delay in filing the counter claim. However, the counter claim is not barred by law and certainly not barred by the law of limitation.

7. In the affidavit filed to explain the delay in filing the counter



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claim, the applicant has stated that the Court had posted the matter for

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hearing applications and also for framing of issues and there has been a consistent request for filing counter claim. Thereafter, an opportunity was granted to file counter claim and the matter was listed on 01.09.2022, for that particular purpose. Counter claim was filed on 06.09.2022.

8. At any rate, since it would only be appropriate that the parties are permitted to raise their pleadings and that is the purpose for which, the Civil Suits actually filed before the Court and opportunity must be granted, I will take the counter claim on record. The plaintiff necessarily has permission to file reply statement to the counter claim.

9. The application stands allowed, accordingly.

10. List the suit whenever such reply statement is filed.

11.11.2022

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