



A.No.2147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 16.06.2023

Delivered on : 23.06.2023

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

A.No.2147 of 2023
in
C.S. No. 538 of 2011

T.M.Sampath Kumar

...Applicant

Vs.

1.R.L.Vasudevan (Deceased)

2.T.K.Naresh

3.Anandi Radhakrishnan

4.R.Sumathi

5.S.Radhakrishnan

6.V.Maragatham

7.R.L.V.Ashok Kumar

8.R.L.V.Vasanthakumar

...Respondents



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Prayer: Judge's Summons Filed under Order XIV Rule 8 of the O.S Rules read with Order VIII Rule 9 read with Section 151 CPC to receive the plaintiff's reply statement to the written statements and Additional written statements filed by the respondent / defendants 2 to 4 in the above suit.

For Applicant	:	Mr. N.Chandrasekar for Mr. N.Nagu Sah
For Respondent 1	:	Mr. S.Ravichandran
For Respondent 2	:	Mr. Mr. V.Balasubramanian and Associates.
For Respondent 3	:	Mr. L.Palanimuthu
For Respondent 4 & 5	:	Mr. Moham ed Rafi
For Respondents 6 to 8	:	Mr. K.Sheela

ORDER

The applicant is the plaintiff. This application is filed to permit the applicant to file his reply statement to the written statements and the additional written statements filed by the respondents.



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Averments in the application:

2. The suit has been filed to cancel the sale deed dated 21.02.2007 and to declare the sale deed dated 21.04.2011 as null and void and also for permanent injunction; the defendants entered appearance in the year 2011, however they had chosen to file written statement only in the year 2021; during the pendency of the suit, the 3rd defendant has dispossessed the plaintiff through Rent Control Proceedings by making false allegations; hence, the plaintiff has taken out an application in A.No.2857 of 2021 to amend the plaint in order to include the relief of re-delivery of possession and damages and the said application was allowed on 22.12.2021; after the amendments were carried out the defendants 2 to 4 have filed their additional written statement; in the additional written statement, the defendants have set forth various strange allegations and for which the plaintiff has to file his reply statement.



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3. The applicant / plaintiff intends to file a reply statement only to explain the facts and circumstances arising out of the various allegations set out by the defendants 2 to 4 in their additional written statement. Hence the petition to permit the plaintiff to file the reply statement should be allowed.

4. The 2nd respondent / 2nd defendant and the 3rd and 4th defendants together have filed their counter.

Counter filed by the 2nd respondent in brief:

5. The 2nd respondent has in his counter stated that the applicant / plaintiff had not chosen to file any reply statement immediately when the written statement was filed by the 2nd defendant; by way of filing reply statement, the applicant tries to fill up the lacunae in his plaint and that would enhance the scope of suit beyond the relief sought by him; the suit has been already posted for Trial and at this stage this application has been filed just to delay the proceedings.



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Counter filed by the 3rd and 4th respondents in brief:

6. The reply statement is only an attempt to explain the facts arising out of the various allegations set out in the written statement; the reply statement runs to the pages which is longer than the plaint filed by the plaintiff; it is a vain attempt of the plaintiff to improve his allegations made in the suit; most of the pleadings that were sought to be included in the reply statement have already been disallowed by this Court in the order passed in an amendment application in A.No.2857 of 2021. The reply statement sought to be filed by the plaintiff is irrelevant. Hence, the application should be dismissed.

Discussion:

7. The application to receive the reply statement has been filed by the plaintiff stating that in respect of the written statement filed by the defendants there is a necessity to file the additional reply statement. The additional written statement has been filed by



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the defendants only as a response to the additional prayer raised by the applicant / plaintiff. However, in the name of reply statement, the plaintiff is attempting to file nearly 19 pages of submissions.

8. On perusal of the said reply statement, it is seen that the plaintiff had traveled beyond the scope of the suit and in fact this reply is longer than the original plaint filed by him. The simple reason for which the necessity to file the additional written statement is said to be due to amendment sought by the plaintiff to add a relief of recovery of possession.

9. When the issues were framed and the matter has been posted for Trial, this application has been filed by the plaintiff as an afterthought. It is submitted by the learned counsel for the respondents that the reply statement is only an indirect way of adding those pleadings which were originally denied to be included in the plaint filed by the applicant / plaintiff. The manner and style in which the reply statement is prepared and its contents



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justifies the above contentions of the respondents.

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10. In view of the reasons stated above, this application is found to be lacking in merits and accordingly dismissed.

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R.N.MANJULA. J,

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Pre-delivery Order in
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