



A.No.3716 of 2022
in
C.S.No.135 of 2021

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N. SATHISH KUMAR, J.

This application has been filed by the applicant/plaintiff to grant leave to file a reply statement to the counter claim filed by the first defendant and to take the same on record.

2. Heard the learned counsel for the applicant as well as the respondents.

3. This application has been filed seeking leave of this Court to file reply to the counter claim in the form of adverse possession. The learned counsel for the first respondent mainly objected to the application citing Rule 3 of Order V of the Original Side Rules stating that any claim shall be made within a period of two weeks of service of filing of the written statement. However, the same has not been done in this case and hence, the reply cannot be received itself.

4. The procedural laws has to yield for substantial justice. When the plea of adverse possession is set out in the



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DP

counter claim, this Court is of the view that the parties have to meet the pleadings only by way of filing reply to the written statement. Hence, leave is granted to the applicant/plaintiff to file his reply statement.

5. The issues were already framed by this Court on 22.04.2022 in which the issue (g) is recasted as follows:

“Whether the defendant has perfected title to suit property by way of adverse possession?”

6. Since all other issues are already framed, Registry is directed to post the matter before the learned Additional Master-II for recording evidence on 27.11.2023 and the evidence shall be completed on or before 22.12.2023.

08.11.2023

DP

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