



A.No.3702 of 2022
in
C.S.No.98 of 2021

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N. SATHISH KUMAR, J.

This application has been filed by the applicant/plaintiff seeking to accept the reply statement filed by him to the written statement cum counter claim filed by the defendant and take it on record and frame additional issues.

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

3. The only objection raised by the respondent before this Court is that the reply has to be filed as per Rule 3 of Order V of the Original Side Rules. Reply ought to have been filed within a specified time, which expired on 13.12.2021 itself. He also contended that the provision of Order VIII Rule 1 of the Civil Procedure Code will not apply and objected for allowing the petition filed to accept the reply statement.



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N. SATHISH KUMAR, J.

DP

4. No doubt, Rule 3 of Order V of the Original Side Rules indicate that denial would be made within a specified time after two weeks of service of filing of the written statement. This Court is of the view that the time limit fixed cannot be a bar for filing reply statement and especially, is to be extended for filing the same. Admittedly, what was sought to be denied is the counter claim and since the rigid rule of interpretation cannot be given, the contention of the respondent cannot be accepted. In view of the above, this Application is ordered. Registry is directed to post the matter for framing of additional issues, if any, on 17.11.2023.

02.11.2023

DP

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