



A.No.4093 of 2023
in
CS.No.90 of 2022

WEB COPY **R.N.MANJULA, J.,**

The applicant is the defendant who has filed this application seeking permission to file an additional written statement in C.S.No.90 of 2022.

2. Heard the submission made by either side learned counsels and perused the materials available on record.

3. The learned counsel for the applicant / defendant submitted that during the examination of PW.2, she has stated that a huge amount of fixed deposit and recurring deposit held by the father of the applicant which are now available with her and that each one of the sharers has got a share in the same; hence those facts which are clearly admitted in the evidence on the side of the plaintiffs have to be stated in the written statement of the applicant /defendant in order to substantiate his submissions already made.

4.The learned counsel for the respondent submitted that there is no need to file any additional written statement since the defendant has already filed his written statement denying the claim of the plaintiff.

5. The plaintiff has already stated that the defendant had taken away the money from the Fixed Deposit and hence the plaintiff struggled to get her share. The said pleading of the plaintiff was also denied by the defendant in his written statement. Under such circumstances, there is



absolutely no need to file any additional written statement.

6. The main contention of the learned counsel for the applicant/defendant is that the plaintiff's witness, PW.2 has given some admissions in his favour and that prompted the defendant to file an additional written statement. Having filed written statement and entered into the trial, the facts pleaded by the respective parties need to be proceed through evidence. During that course, if any evidence is favourable to either of the parties, it is open to him to rely those evidence during arguments. The pleadings of either of the parties cannot be extended on the basis of the evidence given by each of the witnesses. If such a discount is allowed that will only complicate the proceedings especially the trial. Even as per the submission of the learned counsel for the applicant/ defendant, he had already filed his written statement denying the allegations of the plaintiff.

6. Under such circumstances, I find no reason to allow the applicant/defendant to file any additional written statement. In the name of filing an additional written statement, the parties cannot be allowed to rectify the weaknesses if any, in their pleadings. However, the applicant/ defendant can make out his point on the basis of any of the admissions given by the parties during the course of arguments. At any cost, the applicant / defendant has not made out any grounds to receive any additional written statement.



In view of above observations, this application is **disposed**.

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28.08.2023

jrs



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