



A.No.1129 of 2024
in C.S.No.949 of 2004

Reserved on: 16.04.2024

Pronounced on: 26.04.2024

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P.B.BALAJI, J.,

The present application has been taken out by the applicant/2nd plaintiff seeking permission to file a reply statement to the counter claim.

2.I have heard Mr.K.V.Anantha Krushnan, learned counsel for the plaintiff and Mr.R.Thiagarajan, learned counsel for the respondents 1 to 5.

3.It is the case of the applicant that the respondents have filed a counter claim along with written statement and despite best efforts, the applicant has not been in a position to ascertain whether her mother, during her lifetime, has filed a reply statement to the counter claim. It is also seen that by a letter dated 12.12.2023, the applicant, through her counsel has called upon the learned counsel for the respondents to furnish details/copy of any reply statement filed by the deceased mother, C.Shyamalavalli, if any. It is seen that there is no reply to the said communication. In any event, counter claim is akin to a plaint by itself and therefore, it is just and necessary that the applicant is permitted to file a reply statement.



4.The objection raised by the learned counsel for the respondents is that the applicant is deviating from the original cause of action. All these matters can be decided at a later stage and now, at the stage of permitting the applicant to file a reply statement to the counter claim, the merits or demerits of the averments and allegations in the reply statement need not be gone into. Therefore, I am inclined to allow the application.

5.Accordingly, this application is allowed and the reply statement is ordered to be received.

26.04.2024
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P.B.BALAJI, J.
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Pre-delivery order made in
A.No.1129 of 2024
in C.S.No.949 of 2004

26.04.2024
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