



WEB COPY



A.No.3015 of 2024

in

C.S.No.547 of 2019

RMT. TEEKAA RAMAN, J.

This application is taken on by the defendant to file an additional written statement.

2.The suit is at the stage of cross-examination of PW-1. The respondent herein is the plaintiff in C.S.No.547 of 2019. The suit is for partition. The plaintiff is the wife and the defendant is the husband.

3.From the records, I find that the written statement was filed even in the year 2019 followed by an application for rejection of plaint. After contest, the said application for rejection of plaint was dismissed on 13.02.2020. Thereafter, A.No.3662 of 2021 was filed by the defendant alleging that one of the property was deliberately not mentioned in the schedule of the property to the plaint and hence needs to be included, but that application was dismissed by order dated 16.02.2022 and hence, the defendant / husband has filed O.SA.No122 of 2022. Though initially interim order was granted, finally, OSA was dismissed on 05.03.2024. After the dismissal of OSA, the suit was posted before the Master for trail. Proof affidavit was filed. No documents have been marked. The defendant took time for cross-



examination and filed this present application for receiving additional written statement. This application is filed on 23.04.2024 .

4. Heard both sides.

5. The main ground raised in the affidavit is that, the earlier counsel was not taken steps to describe the factual and legal submissions in the original written statement and contented that the original written statement is consisting of only denial statement and not consisting of any case of the defendant. The said contention was replied by the learned counsel for the respondent / plaintiff / wife that the defendant himself is a practicing lawyer.

6. Be that as it may, after perusing the additional written statement proposed to be filed, there is no new plea with regard to the plea raised in the plaint. The defendant has given an explanation the circumstances with which the sale deed came to be enforced and hence, in the absence of new plea or new case being introduced by the defendant, this Court is inclined to allow this application on payment of cost of Rs.10,000/- to be paid to the counsel for the plaintiff within a period of one week.

7. For reporting compliance, list the matter on 19.08.2024.



12.08.2024

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RMT. TEEKAA RAMAN, J.



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