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O.S.A.No. 92 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

O.S.A.No. 92 of 2025
and
C.M.P.No. 5313 of 2025

Meena Jawahar Palaniappan

.. Appellant

VS

1.Headway Projects
23, 7th Cross Street, West Shenoy Nagar,
Chennai – 600 030.

2.Ms.A.Vani Priya
W/o. Mr.V.Sathish Kumar
Managing Partner, Headway Projects,
23, 7th Cross Street,
West Shenoy Nagar, Chennai 600 030.

.. Respondents

Prayer : Appeal filed under Order 36 Rule 1 of O.S. Rules read with Clause
15 of Letters Patent against order dated 22.08.2023 made in Application
No. 3874 of 2023in C.S.No.428 of 2019

For Appellant : Mr.B.S.Jothiraman

For Respondents : No appearance



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JUDGMENT

(Delivered by C.KUMARAPPAN.,J)

The instant Original Side Appeal arises against the order passed by the learned Single Judge in Application No. 3874 of 2023 in and by which, the plaintiff filed an application under Order VIII Rule 9 of the Code of Civil Procedure praying to receive the reply statement.

2. The brief facts which are necessary to decide the instant Original Side Appeal are as follows.

3. The plaintiff has filed a suit for recovery of a sum of Rs.3,90,00,000/-. Disputing the above claim, the defendants has filed the written statement. After filing of written statement, the plaintiff came up with an application to receive reply statement, on the ground that the defendants has raised new pleadings.

4. On hearing either side, the learned Single Judge has found that there are no new pleadings, and the reply statement of the plaintiff is further complicating the fact and law, and ultimately arrived at the conclusion that there is no merits in the application and dismissed the same.

5. Aggrieved with the same, the present Original Side Appeal has been filed.

6. In spite of name having been printed in the cause-list against the respondent, none appears.

7. Learned counsel for the appellant would vehemently submit



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that in paragraph 8 of the written statement, the defendants had set up new pleadings that documents which were signed by them was only on the bonafide belief and on the misrepresentation of the plaintiff, therefore such pleadings has to be controverted by way of filing a reply statement.

8. We have gone through the reply statement of the plaintiff. As rightly found by the learned Single Judge, the reply statement is more than what was pleaded in that plaint and that the very reason assigned by learned counsel to file a reply statement is to reply paragraph 8. But while looking at the reply, it is in argumentative nature and we do not find any reply there from. Furthermore for any defence taken by the defendant to their claim, it is always open for the plaintiff to take appropriate defence in accordance with law. Thus, as rightly found by the learned Single Judge, the present reply statement is only further complicating the plaint averments, and, therefore, we find no merits in the application.

9. In fine, Original Side Appeal is dismissed. No costs. Connected miscellaneous petition is closed.

[A.S.M., J] [C.K., J]
15.04.2025

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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DR. ANITA SUMANTH.,J.
and
C.KUMARAPPAN.,J.

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