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C.R.P.No.5331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.5331 of 2024
and
C.M.P.No.29614 of 2024

P.Gayathri

.. Petitioner

VS

Nithya Raman

.. Respondent

Petition filed under Article 227 of the Constitution of India to set aside the impugned docket order dated 11.12.2024 in unnumbered I.A.No. of 2024 in O.S.No.194 of 2024 on the file of the Additional District Munsif at Poonamallee with a direction to take the same on file and dispose of it in accordance with law.

For Petitioner : Mr.S.Sudarshan

ORDER

This civil revision petition arises against the return made by the learned Additional District Munsif at Poonamallee in I.A.SR. No.8968 of 2024 dated 11.12.2024.



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2. The civil revision petitioner is the plaintiff in the suit. She presented the suit for permanent injunction restraining the defendant not to interfere with her possession except otherwise in accordance with law. Summon was served on the defendant and the defendant has also filed her written statement on 10.08.2024. After perusal of the written statement, the plaintiff decided that it required a reply from her. Accordingly, she filed an application under Order VIII Rule 9 of Code of Civil Procedure to file a reply statement to the written statement presented.

3. The learned Additional District Munsif returned the application stating the application was not maintainable since the issues have already been framed. Learned Judge made an endorsement that the issues had been framed on the day on which the written statement was filed.

4. The plaintiff represented the same stating that she did not get time to study the written statement and decide whether any reply statement was needed to be filed by her or not. Learned counsel also pointed out that framing of issues is not a bar to file reply statement.



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5. Yet again, the learned Judge returned the application on the ground that previous directions have not been complied with. Learned counsel for petitioner represented it stating that he had made a detailed endorsement on 28.10.2024 and that answers the query raised by the Registry. Despite this endorsement, the Court returned the application again on the same ground that it has raised on 14.10.2024. Aggrieved by the same, the present civil revision petition.

6. I heard Mr.S.Sudarshan for the civil revision petitioner.

7. An application for filing additional written statement is presented under Order VIII Rule 9 of CPC. Under Order VIII Rule 9 CPC, there is no bar that a subsequent plea cannot be filed either by way of reply statement or additional written statement once the issues are framed. Perhaps, the learned Additional District Munsif is of the view that the same consideration which applies to a counter claim applies to additional pleadings under Order VIII Rule 9 of CPC. My reading of Order VIII Rule 9 CPC does not show that once the issues are framed, additional statement or reply statement cannot be filed. The return made by the learned Additional District Munsif



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being contrary to the CPC requires to be interfered with.

Accordingly, it is interfered with.

8. The endorsement made by the learned Judge holding that as the issues had been framed, the application is not maintainable on 14.10.2024, 12.11.2024 and 11.12.2024 are set aside. There shall be a direction to the learned Additional District Munsif at Poonamallee to number I.A.SR. No.8968 of 2024. He shall receive the counter from the defendant and pass appropriate orders in the application.

9. The civil revision petition is ordered. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

The Additional District Munsif,
Poonamallee.



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V. LAKSHMINARAYANAN,J.

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