



WEB COPY



A.No.960 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 960 of 2026

in

C.S. No. 165 of 2024

Mr.Kandalam Thygarajan Praveen
Partner,
M/s Urban Habits Meta,
New No.191, Old No.44,
St.Marys Road, Alwarpet,
Chennai - 600 018.

..Applicant(s)

Vs

1. Vijay Kishan Jhaver
No.18/19, Bawa Road,
Alwarpet,
Chennai - 600 018
2. M/s.Urban Habits Meta
New No.191, Old No.44, St.Marys Road,
Alwarpet,
Chennai 600 018.
Represented By Its Partner,
Mr.Kandalam Thyagarajan Praveen
3. Mr.Javed Ahmad
Partner,
M/s Urban Habits Meta,
New No.191, Old No.44,
St.Marys Road, Alwarpet,
Chennai 600 018.
4. Mohammad Tausif
Partner,



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M/s Urban Habits Meta,
New No.191, Old No.44, St.Marys Road,
Alwarpet,
Chennai 600 018.

..Respondent(s)

To grant leave to the Applicant/2nd Defendant to file the Additional Written Statement and take the same on record in the above suit and hear the suit on merits.

For Applicant(s): M/s. Chandini Pradeep Kumar
Rahul M Shankar
Aravindan M

For Respondent(s): Mr.Menon Karthik Mukundan

ORDER

This petition is filed by the applicant/2nd defendant seeking leave of this Court to file an additional written statement in the suit and to have the same taken on record.

2. The suit is for recovery of money. The plaintiff's case is that various amounts, aggregating to Rs.3,85,00,000/-, were advanced to the 1st defendant firm as unsecured loan and that, after giving credit to the amounts allegedly repaid, a sum of Rs.1,85,27,065/- remained due and payable with interest. The 2nd defendant had already filed his written statement and counter claim pursuant to the



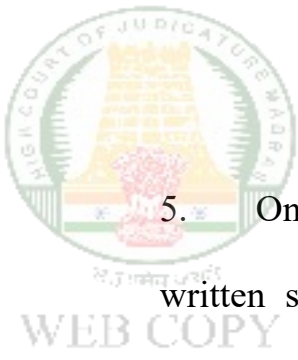
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earlier order condoning the delay. Thereafter, the plaintiff filed a reply statement, and the matter was posted for framing of issues.

3. The written statement states that the suit claim is not founded on any valid loan transaction; that the defendant firm is not bound by any partnership resolution, loan agreement, or valid acknowledgment; that the plaintiff's case regarding the alleged advances is disputed; and that the 2nd defendant has also made a counter claim.

4. The proposed additional written statement states that there was no valid loan transaction binding the defendant firm; that there was no partnership resolution, loan agreement, or consensual acknowledgment; that the plaintiff was in effective control of the firm's affairs through persons connected with M/s. Tropical Agro System (India) Private Limited; that the payments attributed to Amit Reddy are disputed, as they are not shown to have been made from his personal funds; that Amit Reddy is a necessary party; and that territorial jurisdiction is also disputed. It further states that the 2nd defendant's counter claim regarding undervaluation of stock transferred to Arya Living LLP requires adjudication. The proposed additional written statement also gives a paragraph-wise response to the plaintiff's reply statement.

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5. On a perusal of the original written statement and the proposed additional written statement, it is seen that the pleas now sought to be introduced are, substantially, not wholly alien to the defence already taken by the 2nd defendant. The proposed additional written statement mainly centres around the same core disputes already arising in the suit.

6. The learned counsel for the plaintiff opposed the application, contending that there is no provision to file a written statement after the plaintiff has filed a reply statement. It was also contended that, if this application is allowed, the plaintiff would be left uncertain as to which written statement of the defendant has to be answered.

7. This objection cannot be accepted. Order VIII Rule 9 CPC permits further pleadings with the leave of the Court. Such further pleadings may include a reply statement, an additional written statement, or other pleadings permitted by the Court. Therefore, the proposed pleading, if allowed, will stand only as an additional written statement and not as a substitute for the original written statement.



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8. The settled principle is that an additional written statement may be permitted where the defendant does not withdraw the earlier stand or any admission made in the original written statement, but only seeks to expand or give further particulars of the defence already taken and the same shall be permitted unless the Court finds that the application is intended only to delay the proceedings or prejudice the opposite party.

9. In the present case, the application is filed before commencement of trial. At the pre-trial stage, the Court may adopt a liberal approach in considering such an application, instead of rejecting it on a technical ground. Since the proposed additional written statement only expands the existing defence and does not withdraw any admission, the objection raised by the plaintiff is unsustainable.

10. Accordingly, the petition is allowed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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