



2026:AHC-LKO:21060

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 819 of 2026

Puttu Lal Soni

.....Petitioner(s)

Versus

Nagar Panchayat Ikauna Thru. Executive Officer
Nagar Panchayat Ikauna Distt. Shrawasti

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Prasad Dwivedi
Counsel for Respondent(s)	:	Arvind Kumar Tiwari

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Supplementary affidavit filed today is taken on record

2. Heard Shri Ram Prasad Dwivedi, learned counsel for the petitioner and Shri Arvind Kumar Tiwari, learned counsel who has accepted notice on behalf of sole respondent.

3. It has been submitted by learned counsel for the petitioner that the petitioner had filed a Regular Suit No. 103 of 2015 in re: Putti Lal Soni vs Nagar Panchayat before the Gram Nyayalaya, Ikauna, District Shrawasti. The opposite parties had filed a written statement on 29.5.2017 and the suit proceedings were kept pending till application for permission to file reply to the counter affidavit was filed on behalf of the petitioner on 8.7.2025. In the said application, it was stated that certain fresh facts have been brought by way of written statement which deserves to be countered and accordingly a prayer was made for permission to file a rejoinder affidavit to the written statement. The trial court by means of order dated 2.9.2025 took into account the fact that the suit proceedings were pending since the year 2016 and the written statement was filed on 29.5.2017 and the petitioner had sought permission to file a reply to written statement after more than 8 year. The trial court also considered the judicial opinion of Hon'ble Supreme Court in the case of **Sheikh Noorul Hassan vs Nahakpam Indrajit Singh, 2024 INSC 391** wherein Hon'ble Supreme Court has held that it is not the right of the plaintiff to file reply to written statement and a leave is to be sought from trial court concerned and on the other hand the trial court cannot grant the leave mechanically but it could

consider the facts and circumstances of the case before granting such a leave and in the facts of the present case there was unreasonable delay of eight years which had not been explained and accordingly trial court has rejected the permission to grant leave to the petitioner to file reply.

4. The order of the trial court dated 2.9.2025 was assailed by the petitioner in the revision before the District Judge, Shrawasti and the District Judge, Shrawasti also affirmed the order of trial court dated 2.9.2025. The revisional court also considered the fact that it was alleged by the plaintiff in the plaint that he was a tenant of the Nagar Palika and the shop was duly allotted to him and the plaintiff was sought to be evicted illegally by the Nagar Panchayat and has sought injunction in this regard. Contrary to the assertions made by the petitioner the Nagar Panchayat in the written statement had also affirmed the fact that the plaintiff was their tenant and accordingly they were seeking to evict him lawfully.

5. Learned counsel for the petitioner has vehemently submitted that the rejoinder affidavit should be permitted to be filed by the petitioner on terms as may be found fit by this court.

6. On the other hand, learned counsel for the respondent submits that both the orders impugned in the present petition have been passed after due consideration of law. He submits that the written statement was filed in 29.5.2017 and after 8 year an application has been filed by the petitioner seeking permission to file rejoinder affidavit. He submits that there is no reason given in the said application for delay of 8 year and both the courts below have correctly denied the permission.

7. Considering the rival submissions of the parties and perusal of record the facts are not in dispute that suit proceedings were initiated by the petitioner in the year 2015 in which the opposite parties had put in appearance and had filed written statement on 29.5.2017. The suit proceedings were kept pending and it is only on 8.7.2025 that an application for permission to file reply to written statement as filed by the petitioner/plaintiff. In the said application no reason was indicated other than that certain fresh facts were introduced by means of written statement.

8. We have perused the proposed reply submitted by the petitioner alongwith his application for leave. We find that in the entire proposed reply there is no denial of the contents of the written statement filed by the respondents and accordingly it cannot be said that the purpose of filing of the reply was to counter the allegations levelled in the written statement. In case there are fresh facts to be introduced the same can only be introduced by amendment of the application and not by any application. The purpose of the rejoinder affidavit would only be limited for countering the allegations of statements made in the written statement. Accordingly, even the grounds taken for permission are not made out.

9. Apart from the above, we find that no explanation has been given for the undue delay in filing the reply. Undoubtedly, as per provisions of Order 8 Rule 9 of CPC which provides for subsequent pleas it is noticed that parties do not have right to file any pleadings apart from the plaint and written statement except by the leave of the court and in such terms the court may deem fit. In the present case, rejoinder affidavit has been sought to be filed after a period of 8 year and no reason for delay has been stated in the application for such an extraordinary delay.

10. Apart from the above, we find that even in the proposed reply the allegations made in the written statement have not been denied. Accordingly in the aforesaid circumstances, we do not find any infirmity in the order impugned in the present petition. The petition is devoid of merit and is accordingly **dismissed**.

11. Considering that the said proceedings are pending since the year 2015, the trial court is directed to expedite the same.

(Alok Mathur,J.)

March 24, 2026

J. K. Dinkar