

OS 291/2021

ORDERS ON IA NO. VI

Smt SSS advocate for def. has filed ***I A No. 6 U/ Order VIII Rule 10A R/w sec. 151 of CPC to permit him to file the Written Statement.*** In the affidavit annexed to the application he has stated that he could not file the WS earlier as he was not having some of the documents.

Perused the IA No.6 and heard both sides.

The other side has not filed any objections to the said application and submits to allow the said application on costs.

The defendant states that the plaintiff has filed this suit seeking the relief of injunction . The defendant states that he did not have some of the documents and was suffering from ill health.

Now the defendant has filed this application stating that the WS be permitted to be filed.

The case is of the year 2021 and the defendant has filed the WS after more than 4 years. There is considerable delay in making the application.

In view of the decision of the ***Hon'ble SC of India reported in AIR 2005 SC 2441 in Kailash Vs. Nanhku,*** in order to provide an opportunity to the defendant to put forth his defence, the defendant is permitted to file the WS, in the interest of justice.

The defendant is permitted to file the WS in the interest of justice, **subject to payment of cost of Rs. 800/-.**

The defendant has filed the WS in 2 sets and the same is taken on record.

For issues by : 23/7/2025

CJ & JMFC, Hukkeri