

**IN THE COURT OF CIVIL JUDGE & J.M.F.C.,
AT SANDUR.**

Present : Md. Shaiz Chouthai,

B.A.,LL.B. (Hons.), LL.M,(M.L.)

Civil Judge & JMFC, Sandur.

Dated: 18th day of August, 2025

O.S. No.96/2019

Plaintiff/s : U. Nagaraja S/o late K. Erappa @
Kappagallu Erappa and another

(By Sri. N.A.Y., Advocate)

V/S

Defendant/s : U. Basawa @ Basappa W/o U.Mounesha
and Others.

(By Sri. A.V.K., Advocate)

I.A. NO. VIII

Applicant/s : U. Manjappa S/o late Hanumanthappa,
(Defendant No.4)

V/s

Opponent/s : U. Nagaraja S/o late K. Erappa @
Kappagallu Erappa and another.
(Plaintiffs)

ORDER ON I.A. NO.VIII FILED UNDER ORDER VIII RULE 3
R/W SEC. 151 OF C.P.C.

1. The defendant No.4 filed this application under Order VIII Rule 3 R/w Sec. 151 of C.P.C. seeking permission to file additional written statement. The application is filed on 28.11.2024 when the matter was posted for further cross-examination of PW1.

2. It is contended that, the plaintiffs have instituted the suit against the defendants for the relief of declaration and permanent injunction in respect of suit schedule properties. Since the documents were not traced much time is consumed in searching those documents. As such, the additional written statement could not be filed in time. The applicant has good grounds to succeed in the case. If the application is allowed, it will not cause any injury to other side. On the other hand, if the application is not considered the applicant will be put to hardship. On these grounds, he prays to allow the application.

3. The plaintiffs have not filed any objections to the application.

4. Heard learned counsel for defendant No.4. Perused the records.

5. The plaintiff No.1 and 2 have filed this suit initially for the relief of permanent and mandatory injunction in respect of the property described in the plaint. Thereafter, the plaintiffs have amended their plaint and sought for the relief of declaration of ownership along with already existing reliefs. Similarly, the plaintiffs have also amended the extent of the suit property. In this regard, the plaintiffs have filed amended plaint. Issues are also framed touching upon the pleadings and the materials on record. Since the plaintiffs have relegated themselves for the larger relief of declaration of ownership, the defendants should be given an opportunity to file additional written statement by refuting the claim of plaintiffs. No doubt there is considerable delay in filing additional written statement. However, the delay

cannot be the sole reason to reject the application. Moreover, the plaintiffs have not filed any objections to the application. Therefore, in the interest of justice and equity the application deserves to be allowed. Hence, I proceed to pass the following:-

ORDER

I.A.No.VIII filed under Order VIII Rule 3
R/w Sec.151 of C.P.C. is hereby allowed.

The additional written statement of
defendant No.4 is taken on record.

*(Dictated to the stenographer, computerized by him, corrected
by me and then pronounced in the open Court, on this the 18th day
of August 2025).*

(Md. Shaiz Chouthai)
Civil Judge and J.M.F.C., Sandur.