

ORDER ON I.A. III

This order arising out of I.A filed by defendant U/s 151 of C.P.C. seeking to permit him to file his written statement and objection to I.A No.1 to contest the case on merits. On the contrary, plaintiff has resist application filed by defendant and stated that, application filed by defendants is not maintainable either in law or on fact. Hence prays to reject the application.

3. Heard on both side.

3. Upon hearing arguments and on perusal of materials placed on record the following points that would arises for my consideration.

1. Whether there are sufficient grounds to allow the application?

2. What order?

4. My findings to the above points are as under:

Point No. 1 : Affirmative

Point No. 2 : As per order for the following:

REASONS

5. POINT No.1: The plaintiff has filed this suit against defendants seeking relief of declaration and permanent injunction. Now defendant has file present application seeking permission of this court to produce written statement and taken same on record. Hence, it is just and necessary to allow this application and condone the delay in filling of above said written statement. If this Court rejected this application definitely hardship will cost to defendants if this Court allow this application no hardship will

cost to the plaintiffs. Moreover to avoiding multiplicity of proceedings it is just and necessary, in the interest of justice and equity, I answer **point No.1 in the affirmative.**

6. POINT No.2: As per the discussion made above, I proceed to pass the following;

ORDER

I.A. No.III filed by defendant U/s 151 of CPC is hereby allowed on cost of Rs.1,000/-.

For compliance U/s 89 of CPC and issues by

**Prl.Civil Judge and JMFC.,
Devanahalli.**