

Order on IA No.XII filed U/Sec.151 of CPC

1. The present IA is filed by the defendants and sought for permission to file a written statement by condoning delay. In support of this IA, the defendant has filed affidavit thereby contended that the suit property belongs to Gomala land, for which he had applied relevant documents. But, the concern department has not issued those documents on time. That, the defendant has not instructed his counsel to file written statement at earlier point of time. Hence, he prayed to consider the present I.A.
2. On the other hand, plaintiff filed her objections and strongly opposed the contention of the defendant. It is the strong arguments of the plaintiff that the defendant used to watch the proceedings and intentionally the present application is came to be filed at the time of arguments, that too after lapse of 3 years. Hence, prayed to reject the same.
3. Heard both sides, perused materials available on record.

4. The present suit is came to be filed for the relief of Permanent Injunction. On perusal of the order sheet, this court observed that the written statement of defendant taken has not filed on 23.08.2019. Further, matter was posted for plaintiff evidence, accordingly, plaintiff lead his evidence and got marked Ex.P.1 to Ex.P.17. Thereafter, matter was posted for arguments. Thus, it is very apparent that the defendant has come up with the present application very belatedly. No doubt, the present application is came to be filed very belatedly, it should be noted that the delay is not a sole ground to reject the same.

5. It is significant to note that an fair opportunity needs to be extended to the defendant, to prove his defense. Therefore, having considering the nature of the suit and in the interest of justice and equity, this court is of the opinion that the present applicaiton is deserves to be allowed on cost. Hence, the following:

ORDER

I.A. No.XII filed by the defendants
U/Sec.151 of CPC is hereby allowed on
cost of Rs.1,500/-.

Accordingly, written statement of
defendants is taken on record subject to
payment of cost.

For issues
By 15.09.2021

**Addl. Civil Judge & JMFC.,
Hosakote.**