

**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
HOSAKOTE.**

PRESENT:

Sri.Mohamed Arifulla C.F. B.Sc., LL.B.
Senior Civil Judge & JMFC,
Hosakote.

Dated this the 3rd day of August 2026

O.S.No.782/2024

Plaintiff/s : Sri.Umendrareddy

- V/s -

Defendant/s : Smt.Chithra & Ors.

Applicant/s : Smt.Chithra & Ors.

Provision under which the application is filed	I.A U/ Section 151 of CPC
Relief sought for	Seeking permission to condone the delay in filing the written statement
The date on which the application is filed	27-11-2025
Number of the applications	I.A.No.7
The date on which the objection is filed by the different opponents	13-01-2026
The date on which the order is passed on the said application	03-08-2026

Orders on I.A.No7

The defendant No.1 to 3 have filed the above application under Section 151 of CPC seeking permission to condone the delay in filing the written statement.

2. In the annexed affidavit it is stated that the plaintiff has filed the above suit against the defendants for the relief of specific performance of contract in respect of the suit schedule property. After service of suit summons they have engaged a counsel and collected all the documents. But, due to health problems and family problems they could not file the written statement within time. Hence, the delay caused is a bonafide but not intention. If the delay has been condoned and permit them to file written statement no hardship and injustice would be caused. Hence, prays to allow the application.

3. The plaintiff filed objections to the above application by stating that when the matter is posted for judgment the defendant No.1 to 3 have filed the above application for condonation of delay in filing the written statement. The defendant and their counsel was regularly watching the day to day proceedings but the defendants have intentionally and

purposefully dragging the matter to make harassment and injury to the plaintiff. Further, the defendants have not at all made out a genuine reason and ground in their affidavit to condone the delay. Once the matter has posted for judgment, the court cannot allow any application moreover the suit is for specific performance and the agreement is a registered agreement and the plaintiff is ready and willing to perform his part of contract. Hence, prays to reject the application with costs.

4. Based upon the above contentions, the following points arise for consideration of this court:

1. Whether the defendant No.1 to 3 have made out sufficient grounds to allow the application?

2. What order?

5. Heard arguments. On due perusal of the records, the court findings on the above points are as under:

Point No.1	:	In the Affirmative,
Point No.2	:	As per final order for the following;

REASONS

6. **Point No.1:-** The defendant No.1 to 3 have filed the above application to condone the delay in filing the written statement. However, the defendants have stated that due to some difficulties it was not possible to them to give instructions to the counsel for filing the written statement and therefore there was a delay in filing the written statement and however the plaintiff has objected by stating that these applications have been filed after a lapse of 120 days and same cannot be allowed.

7. The defendants have clearly stated that they have very good grounds to contest the case and if the delay is not condoned they will be put to loss and hardship and moreover they have shown the grounds for the delay and such being the case if some cost is imposed on the defendants, the plaintiff will not be put to hardship otherwise if the application is not allowed the defendants will be put to hardship and inconvenience and accordingly I have answered point No.1 in “**Affirmative**”.

8. **Point No.2 :-** In view of the aforesaid findings on point No.1, I proceed to pass the following:

ORDER

I.A.No.7 filed by the defendant No.1 to 3
under Section 151 of CPC is hereby allowed
on cost of Rs.1000/-.

(Dictated to the stenographer, transcribed by her, corrected by me and then
pronounced by me in the open court on this the 3rd day of August 2026.)

(Mohamed Arifulla C.F.)
Senior Civil Judge & JMFC,
Hosakote.

