

**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.3292/2022 (Old No.1130/2016)

Plaintiff/s : Sri.Muniyappa

- V/s -

Defendant/s : Sri.H.N.Doddegowda & Ors.

Applicant/s : Sri.H.N.Prakash & 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	29-11-2024
Number of the applications	I.A.No.3/2024
The date on which the objection is filed by the different opponents	21-01-2025
The date on which the order is passed on the said application	03-08-2026

Orders on I.A.No.3/2024

The defendant No.2 has 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 have filed the above suit against the defendants for the relief of partition and separate possession 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 on 11-11-2024 the defendant No.2 has filed the above application for condonation of delay in filing the written statement. The defendant No.2 and his counsel was regularly watching the day to day proceedings since from 2017 till now and the defendant

No.2 has intentionally and purposefully dragging the matter to make harassment and injury to the plaintiff. Further, the defendant No.2 has not at all made out a genuine reason and ground in his affidavit to condone the delay after lapse of 8 years 9 months and now come up with this false and frivolous application. 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.2 has 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.2 has 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.3/2024 filed by the defendant
No.2 under Section 151 of CPC is hereby
allowed on cost of Rs.2000/-.

(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.

