

13-01-2026

COMMON ORDER ON I.A.No.3 and 4

I.A.No.3 is filed by the defendant No.2, 4 and 5 under Section 148 R/w Section 151 of the Code of Civil Procedure (CPC), to condone the delay and permit to file the additional written statement.

2. I.A.No.4 is filed by the defendant No.2, 4 and 5 under Section 151 of the Code of Civil Procedure (CPC), to reopen the case and permit the defendant to file additional written statement to the amended plaint and contest the above case.

3. In the accompanying affidavit, the defendant No.2, 4 and 5 states that the case is posted today for Arguments. On the receipt of notice issued by this court he has appeared on 01-09-2025 before this court. On that day the plaintiff had filed the amended plaint, but as he has not legally conversant of the legal procedure, the court was pleased to post the case for further defense evidence. Hence, he was unable to file his additional written statement. Further he as unable to contact his advocate, hence tody he has filing his written statement. Without filing the additional written statement, he will be unable to prove his case. He has good case on merits. Hence, this application has been filed.

4. The plaintiff has filed objections to both the applications.

5. I have heard both sides and perused the material on record.

6. Considering the reasons assigned in the application, and in order to afford Defendant No.2, 4 and 5 an opportunity to contest the case on merits, it is appropriate to adopt a liberal approach. The subject matter of the suit pertains to immovable property, and it is well-settled that disputes of such nature should be adjudicated on their merits rather than dismissed on technical grounds.

7. In the present case, the delay in appearance can be sufficiently compensated by imposing reasonable costs, if necessary. Such delay, by itself, does not constitute a ground to deny Defendant No.2, 4 and 5 the right to participate in the proceedings, particularly when no irreversible prejudice is caused to the plaintiffs. Therefore, in the interest of justice, and to prevent multiplicity of litigation, the present application deserves to be allowed. With these observations, this court proceeds to pass the following:

ORDER

I.A. No. 3 and 4 filed by the defendant No.2, 4 and 5 under Section 148 R/w Section 151 of CPC and U/s 151 of CPC is hereby allowed, subject to payment of costs of Rs. 500/- each.

The Defendant No.2, 4 and 5 are permitted to contest the matter, and their additional written statement is taken on record, subject to payment of the aforesaid costs within next date of hearing.

Failure to pay the costs within the time stipulated by the Court will result in this order standing recalled automatically.

For payment of cost and further defendant evidence if any by 30-01-2026

**Civil Judge and J.M.F.C,
Krishnarajapura.**