

**ORDERS ON IA No.7 FILED BY THE
PLAINTIFFS U/SEC 151 OF CPC.**

The plaintiffs have filed this application U/Sec.151 of CPC seeking permission to file their rejoinder to the counter claim of defendant No.1, 5, 8, 12, 14, 18, 21 to 25.

Inspite of granting many adjournments, the defendants have not filed their objections to IA No.7. Hence, their objections to this application is taken as not filed.

Heard.

The plaintiffs have filed this suit against the defendants seeking the relief of partition and separate possession of their 1/3rd share in the suit schedule properties by metes and bounds. Now the case stands posted for defendants evidence.

On 24.01.2019, the defendant No.1, 5, 8, 12, 14, 18, 21 to 15 have filed their written statement and counter claim, claiming declaration that they are the owners in possession and enjoyment

of counter claim schedule properties and for permanent injunction restraining the plaintiffs from interfering with their peaceful possession and enjoyment of the counter claim schedule properties.

As per law, the plaintiffs get a chance to file their rejoinder to the counter claim of the defendants. But the plaintiffs were silent for a period of 2 years. When the matter was posted for defendants' evidence, the plaintiffs filed the present application seeking permission to file their rejoinder to the counter claim of the defendants.

This case is of the year 2017. The plaintiffs did not seek time to file their rejoinder, when the defendants filed their written statement and counter claim. They kept quiet for 2 years. Rejection of this application may lead to multiplicity of proceedings, which may cause miscarriage of justice. No prejudice would be caused to the defendants, if the plaintiffs are permitted to file their rejoinder to their counter claim.

However, the plaintiffs have to bear the costs for filing this application at a belated stage. By considering all these aspects, I proceed to pass the following:

ORDER

I.A No.7 filed by the plaintiffs U/Sec. 151 of CPC is here by allowed on a costs of Rs.2,500/-.

The plaintiffs are permitted to file their rejoinder.

For payment of costs and additional issues, call on 18.01.2022.

Senior Civil Judge & JMFC
Hiriyur