

The defendant No.1 to 3 filed I.A No.2 U.Sec.151 of CPC along with written statement.

L/C for the plaintiff submits that application may be allowed.

On perusal of records, it reveals that the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession.

At this stage, this court has relied upon the following decisions reported in:-

2022 Live Law (SC) 465 – Bharat Kalra V/s Raj Kishan Chabra – it is held that, Admittedly, the suit for injunction filed by the plaintiff is not the one which is governed by the Commercial Court Act, 2015. Therefore, the time limit for filing of the written statement under Order VIII Rule 1 of CPC is not mandatory in view of the judgment of this Court reported as ‘Kailash V. Nankhu & Ors.’ reported in (2005) 4 SCC 480.

In view of the aforesaid judgment, we find that the delay in filing of the

written statement could very well be compensated with costs but denying the benefit of filing of the written statement is unreasonable.

AIR 2005 SC 2441 Kailash Vs. Janhku wherein the Hon'ble Apex Court was held that time stipulated in filing the written statement is not mandatory but directory.

Admittedly, it is trial Court. If opportunity is not given to defendant No.1 to 3 to file the written statement, it may cause multiplicity of proceedings and they will be put to great hardship and loss. Hence, I.A No.2 is allowed on cost of Rs. 100/-.

Written statement taken into file.
For compliance U.Sec. 89 of the CPC. Call on 01.07.2026.

Sr. Civil Judge & JMFC.
Hiriyur.