

OS 193/2025

**ORDER No.II.**

The defendant has filed IA No.2 under Section 151 of CPC seeking permission to file the written statement along with written statement of defendant.

On the other hand, The plaintiff has not filed objection to the application.

Heard argument and perused record.

On careful perusal of the records, it is evident that summons were duly served and he was appeared before this court through his counsel on 21.08.2025. Despite of it, the defendant has failed to file the written statement within the statutory period prescribed under Order VIII Rule 1 of CPC. The amended provisions of the Code make it abundantly clear that the time prescribed for filing written statement is mandatory in nature, and upon expiry of the prescribed period, The defendant forfeits his right to file the written statement.

It is well settled that inherent powers under Section 151 CPC cannot be exercised in contravention of express statutory provisions. When the statute specifically provides a consequence for non-compliance, the Court cannot invoke discretionary or inherent powers to dilute the mandate of law. In the present case, the defendants neither complied with the statutory mandate nor assigned any sufficient or satisfactory reasons for the delay. Therefore, the defendant has forfeited his right to file the written

statement. Accordingly, Court proceeds to pass the following.

**ORDER**

The IA No.2 filed by the defendant is hereby dismissed.

For P/E

Call on. 24.07.2026

C/c Civil Judge & JMFC.,  
Molakalmuru.