

**OS 128/2024**  
**ORDERS ON IA NO. 2 AND 3**

This applications filed by the learned counsel for the defendants under Order. 9 rule 7 of CPC to set aside order against defendants and Sec. 151 of CPC, praying to receive the written statement of the defendants by condoning the delay if any.

2. In support of the application, defendant No.1 has sworn to an affidavit and stated that, due to lack of legal awareness, he could not attend his counsel office to give instructions to prepare written statement. Hence his counsel has not filed written statement in time and same was taken as not filed. Hence prays to allow the application by condoning the delay.

3. The learned counsel for plaintiff has filed objections.

4. Heard both side. Perused the record.

5. The present application is filed by the defendants to set aside exparte order and receive the written statement as he could not attend his counsel office due to lack of legal awareness.

6. The order sheet discloses that, the stage of the case set down for judgment. At this stage defendants has filed these applications. It is noticed that, the

summons was served personally to defendants on 27.08.2024. Sufficient opportunities are given to defendants. However, in order to avoid multiplicity of proceedings and in the interest of justice, the applications are liable to allowed and an opportunity is to be given to the defendants to defend their case. With these observations, court proceed to pass the following:

ORDER

I.A. No.2 and 3 filed by the defendants under Sec. 9 rule 7 and Sec 151 of CPC are allowed on cost of Rs. 500/-each.

Thereby the exparte order against defendant No.1 to 3 is set aside and written statement is taken on record.

For issues.  
Call on. 02.07.2026

C/c Civil Judge & JMFC,  
Molakalmuru.