

**IN THE COURT OF
ADDL. CIVIL JUDGE AND JMFC AT Hosadurga, CHITRADURGA.**

Presided Over by THRINETHRA M. N, M.A., LL.B.
Civil Judge and JMFC, Hosadurga.

Dated: 15th day of April, 2026

O.S. No.440/2025

BETWEEN:

Smt. Neelamma,

..Plaintiffs

(**Shri E.P.**, Advocate for plaintiff)

AND:

Sri. Gangappa and others

...Defendants

(**Shri HLN**, Advocate for defendant No.1, 3 to 9)

PARTIES TO THE IA NO. II

Sri. Ramesha G. & another

**....Applicants/
defendant No.8 and 9**

V/s

Smt. Neelamma

**....Opponents/
Plaintiffs**

ORDER PASSED ON I.A.NO.II

The applicants/defendant No.8 and 9 have filed application U/Sec.151 of CPC seeking permission of the court to file their written statement.

2. The application is appended with affidavit of the defendant No.8. In the affidavit, it is stated that, the plaintiffs are filed this suit against himself and other defendants for partition and separate possession and now he is ready to file his written statement and objections, earlier he was unable to file his written statement and objection due to relevant documents are not obtained, as well as his wife by name Smt. Nagaveni was not good in health. Further, he has also stated that, delay in filing written statements are not intentional nor deliberate. If the application is allowed, no hardship will be caused to the plaintiffs, on the other hand, the said application is rejected untold hardship and loss will be caused to them. Hence, prays for allow the application.

3. The plaintiff has filed objection by contending that, application is not maintainable in the eye of law. Written statement of defendant No.8 and 9 has no value and liable to be rejected. Hence, it is prayed to reject the application.

4. Heard the arguments on both sides.

5. Upon hearing arguments and on perusal of materials placed on record, the following points arise for consideration:

POINTS

1. Whether the applicants/defendants have made out sufficient cause to allow the application?
2. What Order?
6. My findings to the above Points are as under:
Point No.1 : In the affirmative.
Point No.2 : As per final order for the following :

REASONS

7. **POINT NO.1**:- Herein, the application the defendant No.8 and 9 are seeking permission of the court to file their written statement by condoning the delay by contending that, due to unavoidable circumstances they were unable to file written statement. The contention of the defendants are considerable and filing of written statement is right of defence, which is available under the law. If application is rejected it would amount to curtailing liberty of the defendants to contest the case and also violation of the natural justice. Therefore, this court is of the opinion that, application deserved to be allowed.

Hence, this court answered the point No.1 in the affirmative.

8. **POINT NO.2**:- For the reason assigned above, this Court proceeds to pass the following :

ORDER

I.A. No.II filed by the applicants/defendant No.8 and 9 U/Sec. 151 of CPC is hereby allowed on cost of Rs.300/-.

Accordingly, the written statement of the defendant No.8 and 9 filed in duplicate received on file.

(Dictated to the Stenographer directly on the computer typed by her, corrected and pronounced by me in the open court on this the 15th day of April,2026).

**(Thrinethra M.N.)
Addl. Civil Judge & JMFC.,
Hosadurga.**