

ORDERS ON IA.NO.III

The present application has been filed by the defendants under Section 151 of CPC seeking permission to file written statement by condoning the delay in filing the same.

2. The defendants have also filed memorandum of facts along with application by stating that defendants could not able to file the written statement within a time due to personal inconvenience and further states that the defendants have prima facie case and it is necessary to condone the delay in filing the same.

3. In counter L/c for plaintiffs submits objection by stating that even inspite of sufficient opportunity the defendants have failed to file the written statement in the above case and now they are forfeited by filing the written statement in the above case. The written statement has been filed at the highly belated stage and the defendants have not stated sufficient reason for causing delay in filing the written statement and prays to reject the written statement filed by the defendants.

4. Heard both the parties and peruse the material placed on record.

5. The present suit has been filed by the plaintiffs against defendants for the relief of Damages and Compensation. On 05.03.2025 the summons has been duly served on defendants

and on the same day Sri.S.D, advocate has filed vakalath on behalf of the defendants.

6. On perusal of the order sheet it disclose that even inspite of sufficient opportunity the defendants have not filed any written statement in order to contradict the averments made in the plaint and on 10.06.2025 the matter has been posted for plaintiffs evidence. Now the defendants have come up with this application seeking permission to file written statement in the above case.

7. As per the recent amendment in Order VIII Rule 1 of CPC it is mandatory for the defendant to file the written statement within a period of 120 days for the suits which have been instituted after 05.06.2025.

8. The present suit has been instituted on 30.01.2025 and the summons has been duly served on defendant on 05.03.2025 and on the same day the defendants have made their appearance through their counsel. Since the institution of the suit is prior to the enforcement of the amendment in Civil Procedure Code, the said amendment cannot be taken into consideration in the above case.

9. On perusal of the application even though there is a delay in filing the written statement in the interest of justice it is necessary to provide an opportunity for the defendants to proceed with

OS No.10/2025

their case in order to avoid multiplicity of the proceedings in the above case. Hence the following;

ORDER

IA.No.III filed the defendants U/s 151 of CPC is hereby allowed.

The written statement of the defendants have taken into the record.

For issues Call on 22.01.2026.

Sd/-
I Addl. Civil Judge and JMFC.,
Mudigere.