

Case called out. On perusal of the record, it could be seen that while presenting the plaint, plaintiff has filed IA No.1 under Section 151 of CPC seeking to take the case on board and IA No.2 is filed under Order 39 Rule 1 and 2 seeking temporary injunction. Since the case was taken on board on 08.02.2019 itself, IA No.1 stands considered.

2. After granting TI, suit summons and emergent notice on IA No.2 was ordered. On 07.06.2019, Sri. KMP has filed written statement, counter claim and adoption memo. On that day itself the very counsel has filed IA under Section 151 of CPC seeking permission to file the written statement, IA under Section 94C R/w 151 of CPC and order 39 Rule 1 and 2 of CPC seeking temporary injunction against the plaintiff. On 07.06.2019 itself, learned counsel for plaintiff has filed IA under Section 151 of CPC seeking extension of TI. On perusal of record, IA filed by plaintiff under Section 151 of CPC is numbered as IA No.3, IA under Section 151 of CPC seeking permission to file the written statement is numbered as IA No.6, IA under Section 94C R/w 151 of CPC and order 39 Rule 1 and 2 of CPC is numbered as IA No.8. The said numbers to the IA is not forthcoming in the order sheet.

3. Further, IA No.3 seeking extension of TI is considered on 07.06.2019 itself. Therefore

as on 07.06.2019 it is the IA No.2, IA No.6 and 8 which are pending consideration. Later, on 12.06.2019, Sri. KMP Advocate got advanced the matter by filing application under Section 151 which is numbered as IA No.4. On that day, he has also filed IA under Section 95 R/w 151 of CPC, IA under Order 39 Rule 2A of CPC and IA under Order 39 Rule 7 R/w Order 26 Rule 9. The said IA filed under Section 95 R/w 151 of CPC is numbered as IA No.5, IA filed under Order 39 Rule 2A is also numbered as IA No.6 and IA under Order 39 Rule 7 R/w Order 26 Rule 9 is numbered as IA No.7. Therefore, it is the IA No.2, 5, two applications numbered as IA No.6, IA No.7 and IA No.8 are pending consideration.

4. Record further discloses that the written statement is adopted as objections to IA No.2 however, IA No.6 filed under Section 151 seeking permission to file written statement is not at all considered and the plaintiff has also not filed objections to the said application. Out of IA No.5, IA No.6 filed under Order 39 Rule 2A of CPC, IA No.7 and 8, statement of objections is filed only to IA No.5, 6 and 7. It could also be seen that learned counsel for defendants has also filed written arguments on IA No.5, 7 and 8.

5. Since one among the IA's numbered as IA No.6 is filed under Order 39 Rule 2A of CPC,

this court is of view that the consideration of this application requires enquiry. **Hence, office to register IA No.6 filed under Order 39 Rule 2A of CPC as C.Mis.Petition and place the statement of objections filed to that application in the record of C.Mis.Petition.**

6. Now, It is the IA No.2, 5, IA No.6 filed under Section 151 seeking permission to file written statement, IA No.7 and 8 are pending consideration. As noted earlier statement of objections is not filed on IA No.6 file seeking permission to file written statement and also to IA No.8. Hence, in the interest of justice, statement of objections need to be called for the said applications.

Therefore, case is posted for filing objections on above mentioned IA No.6 and 8 from the plaintiff, by: 03.02.2025.

Sd/-

(Vishwanath.A)
Prl. Civil Judge & JMFC
Mudigere.