

ORDERS ON IA.NO.9

The defendant has filed the present application under Order 8 Rule 9 R/w section 151 of CPC, seeking permission to file additional written statement on the ground that the question of law and the dispute with respect to valuation could not be raised in the written statement

which is already filed. The additional pleadings are very much necessary for full and final adjudication of the dispute involved in the suit.

2. On the other hand, the plaintiff has filed his statement of objections contending that the application is filed only to drag the proceedings. No proper reasons are made out to allow the application. If the application is allowed, then the plaintiff will be put to irreparable injury. On the above grounds, the plaintiff has sought for rejection of the application.

3. Heard both side and also perused the materials available on record.

4. It could be seen from the record that in the above suit filed seeking declaration of title and consequential injunction with respect to the suit property, the defendant having entered appearance has filed his written statement. In proof of the case, the plaintiff got examined as PW1, but later he got examined his GPA holder as PW2 who is also partly cross-examined by the defendant. It is at the stage of further cross-examination of PW2, the defendant has come up with the present application seeking permission to file additional written statement contending that certain question of law and the defence with respect to valuation of suit could not be pleaded in the earlier written statement.

5. Order 8 Rule 9 of CPC permits filing of subsequent pleadings with the leave of Court

and what requires to be considered is that whether such subsequent pleadings is necessary to determine the real question in controversy between the parties. Though in the present application, the defendant has stated that he could not raise dispute with respect to some question of law and also with respect to valuation of suit in the written statement which is already filed, but he has not stated anywhere as to what precluded him from pleading such pleadings in his written statement. What question of law is intended to be pleaded in the additional written statement, is not stated in the present application and mere stating that the suit property values more than Rs.5,00,000/-, is not a ground to seek leave to file additional pleadings. No due diligence could be found in filing the present application and there are no sufficient grounds which necessitates the additional written statement. Under the circumstances, this Court of the view to reject the present application. Hence, the following:

ORDER

IA.No.9 filed by the defendant under Order 8 Rule 9 of CPC is hereby rejected.

For further cross-examination of PW1 by 23.01.2025.

Sd/-

**Prl. Civil Judge and JMFC.,
Mudigere.**