



**IN THE COURT OF THE SENIOR CIVIL JUDGE &
J.M.F.C. N.R.PURA, ITINERATE AT KOPPA**

: PRESENT :

SRI. RAGHUNATHA GOWDA K.T. *B. Com., L.L.B.*

Senior. Civil Judge & J.M.F.C., N.R.Pura, Itinerate at
Koppa

Dated this the 7th day of March, 2026

O.S. No.22/2023

- Plaintiff** : 1. Sri. B.G. Akshay,
W/o. Ananda,
Aged about 26 years,
Accountant.
2. Smt. K. Vidyashalini,
W/o. Sri. B.S. Girish,
Aged about 55 years,
Worker at Anganavadi Koppa,

Both are R/o. J.P. Nagara,
Chavalmane Village, Kammaradi Post,
Hariharapura Hobli, Koppa Taluk,
Chikkamagaluru District.

(By Sri. M.N.S., Advocate)

V/s

- Defendants** : 1. Sri. B.S. Girish,
S/o. Late, B. Sathyanarayana Rao,
Aged about 52 years,
Agriculturist and Driver,



2. Smt. Lalithamma,
W/o. Late, B. Sathyanarayana Rao,
Aged about 81 years, Housewife,
3. Sri. Chandramohana,
S/o. Late, B. Sathyanarayana Rao,
Aged about 61 years,
Agriculturist,
4. Smt. Jayasheela,
W/o. Late, B. Sathyanarayana Rao,
W/o. Sri. K. Vasantha,
Aged about 56 years, House wife,

All the defendants are
R/o. Chavalmane Village,
Kammaradi Post, Haripura Hobli,
Koppa Taluk, Chikkamagaluru Dist.,

(Defendant No.1 represented by Smt. S.B., Advocate,
defendant No.2 to 4 are represented by Sri.H.N.V.,
Advocate)

I.A. No.XLII

Applicant/Defendant No.1 : B.S. Girish

V/s

Opponent / Plaintiff /
Defendant No.2 to 4 : Sri Akshay and
another &
Lalithamma & others

* * *



COMMON ORDERS ON I.A. No.XIV TO XVI

When the matter posted for defendant No.1 arguments on merits, at this stage the defendant No.1 counsel filed these applications U/Order XVIII Rule 17 R/w. Section 151 of C.P.C to recall and reopen the case for the purpose of filing additional written statement.

2. In support of this application, the defendant No.1 filed his affidavit, he contended that earlier he was suffering from mental disorder, without his knowledge and taking undue advantage of the same and against his interest the defendant No.2 to 4 in order to help them, they are prepare his written statement. Further he contended that he has not given any instructions and he do not know the contents of the written statement now he is curing from ill-health and thereafter he verified the written statement filed in the earlier occasion same was against his interest. Hence he prays to recall the earlier order and permit him file additional written statement.

3. Per contra plaintiff counsel submit that he has no objection to allow the said applications.

4. The contesting defendant No.2 to 4 filed objection to the said applications contended that the



applications filed by the defendant No.1 is not maintainable either in law or facts. Further the defendant No.1 made false allegation against them, they are reserve to file the criminal case against defendant No.1. Further they are contended that on 26.10.2023 the defendant No.1 appear before the Court to file the written statement, thereafter he appear before the Court on 14.11.2024, 28.11.2024, 12.12.2024, 14.12.2024 and 18.01.2025. Further they have filed their separate written statement and not the written statement defendant No.1. Further the contention of the defendant No.1 that he is suffering from mental deceases for a period of Two years, but he filed the written statement since 2½ years back. There is no set off or counter claim to file the additional written statement. Hence they prays to reject the said applications.

5. Heard the arguments on both side and perusal the entire materials available on record.

6. The following point arises for my consideration:

- i. Whether the applications filed by the defendant No.1 deserves to be allowed or not?



ii. If so, what order ?

7. My answer to the above points is as follows:

Point No.1 : In the Negative.

Point No.2 : As per final order
For the following ;

REASONS

8. **Point No.1**:- The plaintiffs are filed this suit against the defendants for relief of Partition and separate possession of 1/3rd share the property fallen to the share of defendant No.1 in respect of the suit schedule properties. After service of summons the defendant No.1 appear through his counsel and filed a separate written statement on 26.10.2023. Further after recording the evidence of both the parties and now the matter posted for defendant No.1 argument on merits at this stage the present applications are filed by the defendant No.1 to seeking permission to file the additional written statement.

9. On perusal of the entire records the plaintiffs are not amend the plaint nor seeking set off or defendant No 2 to 4 are not seeking any counter claim. Further when the plaintiffs nor remaining defendants have not amend the plaint or seeking counter claim and set off to seeking



permission to file the additional Written statement does not arise. Further as per Order VIII Rule 9 of C.P.C. no pleading subsequent to the written statement of a defendant other than by way of defence to set off or counter claim shall be presented except by the leave of the Court and upon such terms as the court thinks fit, but the Court may at any time require a written statement or additional Written statement from any of the parties and fix a time of not more than 30 days for presenting the same. As per above said order makes it clear the Court may permit the party to file the additional Written statement if subsequent pleadings.

10. On careful perusal of the records on 26.10.2023 the defendant No.1 filed separate written statement and when the matter posted for arguments on merits of defendant No.1 the present application filed by the defendant No.1 that he do not know the contents of the written statement that defendant No.2 and 4 are prepare the written statement against his interest. The said contention cannot be accepted because the defendant No.1 engage a separate counsel and filed a separate written statement, now he can take such contention cannot be accepted and the defendant No.1 filed the



written statement along with his verified affidavit before the Court. Further there is no change circumstances and subsequent pleading, hence granting permission to file the additional written statement to defendant No-1 does not arise. Hence for the above said reasons my answer to **Point No.1 negative.**

11. **Point No.2** :- In view of my findings on Point No.1, I proceed to pass the following :-

ORDER

The I.A. No.XIV to XVI filed by the defendant No.1 under order XVIII Rule 17 R/w. Section 151 of C.P.C. are hereby rejected.

No order for cost.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in open court on this **7th day of March, 2026.**)

Sd/-

(Raghunatha Gowda K.T.)
Senior Civil Judge and J.M.F.C.
N.R.Pura, Itinerate at Koppa.