

KACN320020632011



IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT: SRI. M. RANJITH KUMAR B.A,L' L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 10th day of June 2026

OS. NO.257/2011

Plaintiff : Smt. Chandramma @Chandravathi
Dead by Lrs

Versus

Defendant : Sri. Victor Sudheer

INTERIM APPLICATION NO- III

Applicants/ : Sri. Victor Sudheer
(Defendants No.1)

Versus

Opponents/ : Leonard Valentine
(Lrs of Plaintiff)

i.	Provision under which the application is filed	Under Section 151 of Code of Civil Procedure.
ii.	Relief sought for	Seeking to file written statement.
iii.	The date on which the application is filed	16.03.2026
iv.	Number of the application	III
v.	The date on which the objections are filed by the different opponents	06.04.2026
vi.	The date on which the orders were passed on the said application	10.06.2026

ORDER ON IA- III

1) The defendant No.1 has filed the present application under Section 151 of Code of Civil Procedure, seeking to permission of this Court for filing his written statement. It is the contention of the defendant No.1 that, he could not have filed his written statement in time, as earlier counsel had not informed him about the same and the delay in filing written statement is not intentional but a bonafide one.

2) In counter to the application the plaintiff has filed his objection by contending that, the application filed by the defendant No.1 is not maintainable on the grounds that, this

court prior to dismissal of the suit, had granted sufficient time for the defendant No.1 to file his written statement, but he has filed present application after delayed. Accordingly, sought for dismissal of the applications.

3) Heard both sides. Perused materials on record, accordingly the following are the points for consideration of this court.

- 1. Whether the defendants have made out grounds to allow IA No-3?*
- 2. What order ?*

4) For the reasons below, this court answers the above points for consideration as hereunder.

Point No.1 – In the Affirmative.

Point No.2 – As per final order.

REASONS

5) Point No.1 :-

The defendant No.1 after case having restored by this court, has filed the present application applications under Section 151 of CPC, seeking permission of this court for filing his written statement. It is his contention that, he could not

have filed written statement in due time as his counsel had not informed him regarding the non-filing of written statement. On perusal of the materials on record, it could be observed that, the present defendant had served with the summons in the year 2011 and this court after granting sufficient time had taken written statement as nil on 09.02.2012, but subsequently this suit was got dismissed and now it is restored by order of this court on 16.02.2026 and from the above discussion it is apparent that, court had granted sufficient time for filing written statement. Thus this Court is of the opinion that the present applicants have made no grounds to permit to file their written statement. However it is very much appropriate to observe that, the ultimate aim of the Court would be to adjudicate the case on hand in full and final as such, in the interest of justice and equity, this Court is of the opinion that defendant No.1 may be permitted to file written statement by imposing adequate costs for the delay caused in filing written statement. Accordingly this court answers the **Point No.1 in the Affirmative.**

6) POINT NO.2: For the reasons stated above, this Court proceeds to pass the following:

:- ORDER:-

IA No.III filed by the defendant No.1 under Section 151 of Code of Civil Procedure is hereby allowed on costs of Rs.300/-.

Consequently, the written statement filed by defendant No.1 is taken on record.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 10th day of June 2026).

(M.RANJITH KUMAR)

I Addl.Civil Judge & JMFC.,
Kollegala.