

KACN320032132018



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 25th day of April 2026

OS. NO.286/2018

Plaintiff : Smt. Shanthamani

Versus

Defendant : Smt. Madamma

INTERIM APPLICATION NO- XII & XIII

Applicants/ : Sri. Balu & Others
(Defendants No.1(c))

Versus

Opponents/ : Smt. Shanthamani
(Plaintiffs)

i.	Provision under which the application is filed	Under Section 151 of Code of Civil Procedure.
ii.	Relief sought for	Seeking to re-open of the case for further evidence of the plaintiff.
iii.	The date on which the application is filed	11.02.2026
iv.	Number of the application	XII & XIII
v.	The date on which the objections are filed by the different opponents	13.03.2026
vi.	The date on which the orders were passed on the said application	25.04.2026

ORDER ON IA-XII & XIII

1) The defendant no.1(c) has filed the present applications under Section 151 of Code of Civil Procedure, seeking to reopen of the case and permission of this Court for filing his written statement. It is the contention of the defendant no.1(c) that, originally the plaintiff had filed the present suit against his mother Smt. Madamma and due to her old age she could not have met her counsel and gave instructions to file written statement and sadly she died in the year 2020 leaving behind the present applicants as her legal

heirs and subsequently in the year 2022 the plaintiffs had brought the applicants herein as legal heirs of defendant no.1. But due to misunderstanding between themselves they could not have contact their counsel and give instructions to file written statement and now he has contacted his counsel and further he has contended that, the delay in filing written statement is not intentional but a bonafide one.

2) In counter to the application the plaintiff has filed her objection by contending that, the application filed by the defendant no.1(c) has filed present applications after delay of 6 years and as such it is not maintainable in accordance with law. 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 defendant no.1(c) has made out grounds to allow IA No-12 & 13?

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 :-

It is the case of the plaintiff for declaration and injunction wherein the defendant no.1(c), when the case is posted for evidence of the plaintiff has filed the present applications seeking reopen of the case and permission of this Court for filing their written statement. Apparently the present applicants were brought on record subsequent to death of defendant no.1 on 18.10.2021 and this Court on 10.11.2021 had provided an opportunity for the present applicant to file written statement in the present case. But the present applicants having not chosen to file written statement, this Court finally on 17.02.2022 had taken written statement of the present applicants as nil. Thereafter after almost 4 years now present applicants have filed present applications seeking

permission of this court to file written statement and in this context if the affidavit filed along with the IA's is perused it could be observed that, it is the contention of the defendant No.1 that they could not have filed the written statement in time due to misunderstanding between themselves. But it is necessary to observe that no person would keep quiet for so much long time for contesting the case. 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(c) 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-XII & XIII filed by the defendant no.1(c) under Section 151 of Code of Civil Procedure is hereby allowed on costs of Rs.500/- each.

Consequently, the written statement filed by defendant no.1(c) 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 25th day of April 2026).

(M.RANJITH KUMAR)

I Addl.Civil Judge & JMFC.,
Kollegala.