

ORDER ON IA No- IV & V

1) The defendant No.3 has filed the present applications under section 151 of CPC, seeking permission of this court to file his written statement. It is the contention of the defendant No.3 that, due to his financial problems he could not have filed written statement in time and the delay caused is not intentional but bonafide one.

2) In counter to the applications, the plaintiffs have filed their objections, claiming that, the applications filed by the defendants are not maintainable, on the grounds that, the defendant No.3 has filed present applications after delayed

period of 343 days. 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 I.A No.IV and V?*

2. *What order ?*

4) For the reasons stated 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.3 has filed the present applications seeking permission of this court to file written statement. It is the contention of the defendant No.3 that, due to his financial problems he could not have filed written statement in time. On perusal of the materials on record, it could be observed that, the defendant No.3 has filed present applications after almost delayed period of one year, but in the affidavit along with application, he has only stated that, he could not have filed written statement in time, due to his

financial problems, which is not proper, thus this court is of the opinion that, the defendant No.3 has not made out grounds to permit him to file written statement. However in the interest of justice and equity in order to adjudicate the matter in full and final this court is of the opinion that, the defendant No.3 may be allowed to file written statement by imposing adequate cost, for the delay caused. Accordingly this court answers **Point No.1 in the Affirmative.**

6) Point No.2:For the reasons stated above this court proceeds to pass the following:

:- ORDER:-

The IA No.IV & V filed by the defendant No.3 are hereby allowed on cost of Rs.150/- each.

Consequently written statement of defendant No.3 is taken on record.

Posted for compliance of Section 89 CPC,
Call on: 11.07.2026

(M.RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.