

Case called out. Heard
argument on IA No.3. For orders.

ORDERS ON I.A.NO.3

The present IA filed by the defendant U/Sec. 151 of CPC and permit him to file his written-statement. The defendant has sworn to affidavit, in support of this application wherein, he has contended that, due to ill health a also lack of information and documents could not able to file his written statement, in the mean time, this Court taken his written-statement as not filed and posted for plaintiff evidence and further he has good defence success in obvious to resist the unjust claim of the plaintiffs, hence it is necessary to permit him to file his written-statement. Further, the application is bonafide and reason one. If application is not allowed he will put to great hardship and legal injury and on the above said grounds prays to allow the application.

2. Per contra, the advocate for plaintiff filed objection by denying the contents of application and contended that the present application is not maintainable in the eye of law. Further, plaintiff contended that the defendant has not made out any grounds much less sufficient grounds in the affidavit to grant the relief sought for in the application. Further, defendant appeared through his counsel on 06-02-2025 and Court granted more than 90 days from the date of appearance of file written-statement. But defendant has not filed on 06-06-2025. Further, the defendant filed an application for extension

of time to file the written-statement. Hence, on the above said grounds prays to dismiss the application.

3. Perused the materials placed on record. The present suit is filed for the relief of declaration and partition and separate possession. Perused the materials placed on record in the last date of hearing defendant failed to file his written statement and now when the case posted for plaintiff evidence, by that time come up with the present application. Though, the defendant filed the present application at belated stage, but, in order to avoid multiplicity of proceedings, this court is of the view to consider the present IA. Therefore, in the interest of the justice and for the proper adjudication of the matter. However, due to the delay caused by the defendant the plaintiff unnecessarily suffered delayed proceedings and hence he should compensate properly. I proceed to pass the following:-

ORDER

Interim Application filed by the defendant Under/Sec.151 of C.P.C. is hereby allowed by imposing cost of Rs.500/- which is payable to plaintiff and the written statement filed by the defendant taken on record.

For compliance U/Sec. 89 of CPC.

Call on 24-07-2026.

Prl. Senior Civil Judge
and CJM., Davanagere.

