

**ORDERS ON IA NO.1 FILED UNDER
SECTION 151 OF C.P.C**

The learned counsel for the defendants has filed this application seeking permit the defendants to file their written statement.

2. The learned counsel for the plaintiff has filed detail objection and prays to reject the application.

3. Heard the arguments and perused the material placed on records.

4. Upon hearing the arguments on both sides the following point would arise for my consideration.

"Whether the defendants have made out a ground to allow the I.A.No.1 filed U/section 151 of CPC "?

5. My finding to the above point in the "Negative" for the following:

REASONS

6. The plaintiff has filed this suit for the relief of specific performance of sale agreement against the defendants. Now the case is posted plaintiff evidence. In the meantime the counsel for the defendants has come up with this application.

7. Under order VIII Rule 1 of the Code of Civil Procedure, 1908, as amended by the Karnataka Amendment Act No.40 of 2025, the

defendant is required to file a written statement within 30 days from the date of service of summons. The proviso applicable to commercial disputes of specified value provides that if the defendant fails to file within 30 days, he may be allowed to file on payment of costs within 120 days. However, on expiry of 120 days from the service of summons, the defendant forfeits the right to file the written statement, and the court shall not permit it. In this case, the defendants did not file the written statement within the initial 30 days nor within the extended 120 days. No sufficient cause has been shown for the delay, and allowing the application would disrupt the proceedings. Therefore, in strict adherence to the amended provision, the defendant's application for permission to file the written statement is not maintainable and the right to file is deemed forfeited. Accordingly, I answer point under consideration in the Negative and I proceed to pass the following:

ORDER

IA No.1 filed by the counsel for defendants Under Section 151 of C.P.C., is hereby rejected and the right to file written statement is deemed forfeited.

No order as to costs. Hence, case is posted for plaintiff evidence.

O.S.No.77/2025

Call on:26.02.2026.

Sd/-

**Sr. Civil Judge & J.M.F.C
Channagiri**