

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

The learned counsel for the defendant No.2 to 4 has filed this application seeking permit the defendants to file their written statement.

2. The learned counsel for the plaintiff has orally objected and prays to allow 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 defendant No.2 to 4 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 partition and separate possession against the defendants. Now the case is posted framing of issues. In the meantime the counsel for the defendant No.2 to 4 has come up with this application. The suit summons issued against the

defendant No.2 to 4 not returned. However, on 09.09.2025 the defendant No.2 to 4 have appeared through their counsel. On 07.01.2026 the 120 days was completed. But the learned counsel for the defendant No.2 to 4 has filed this IA on 09.01.2026.

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 No.2 to 4 application for permission to file the written statement is not maintainable and the right to file is deemed forfeited. According, I answer point

under consideration in the Negative and I proceed to pass the following:

ORDER

IA No.1 filed by the counsel for defendant No.2 to 4 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 framing of issues

Call on:02.03.2026.

Sd/-

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