

**IN THE COURT OF THE I ADDITIONAL SENIOR
CIVIL JUDGE & J.M.F.C., HUBBALLI**

Present:

**SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.**

MVC. No.831/2024

Dated this the 08th day of September, 2025

Petitioner/s : Annapurna D/o Mukkanna
Sobagin.

.Vs.

Respondent/s : Subhasa S/o Nandappa Thotada
and another.

PARTIES TO I.A. No.V

Applicant/s : Annapurna D/o Mukkanna
Sobagin.

.Vs.

Opponent/s : Subhasa S/o Nandappa Thotada
and another.

- i. Provision under which : Under Sec.151 of CPC
application is filed
- ii. Relief sought for : Seeking
- iii. The date on which : 27.06.2025
application is filed

- iv. Number of the : V application
- v. The date on which : 19.07.2025 objections are filed by different opponents
- vi. The date on which : 08.09.2025 orders were passed on the said application

ORDERS ON I.A. No.V

The learned counsel for respondent No.2 filed I.A. No.V under Sec.151 of C.P.C., permitting the respondent No.2 to file objections in the interest of justice and equity.

2. In the annexed memorandum of facts the counsel for the respondent No.2 averred that, the case was posted for cross of P.W.1 and by that time as the respondent had not filed the objections. Due to official procedures and delay in receipt of documents and the petitioner not submitted the documents prior to evidence. The respondent is able to get the documents only the time of petitioner evidence. Therefore, there was delay in getting the objections and the delay is not intentional, but in view of the facts mentioned, the respondents was unable to file the objections. Hence, prayed to allow the I.A.

3. On the other hand, the counsel for the petitioner filed objections and contended that the respondent No.2 Insurance Company has filed this I.A. for dragging of the matter and harass the petitioner and to delay the case. The application is not maintainable and notice to respondent No.2 served on 31.12.2024 and after 6 months now they filing the objections. The respondent Insurance Company set up to presumption mind with imaginary concept for escape from liability or to give compensation to the petitioner. The respondent No.2 since many days taking dates to file objections to main petition and Limitation application. Hence, the same is deserves to be dismissed.

4. Heard arguments.

5. The points for consideration are:

1. Whether the respondent No.2 made out sufficient grounds to condoning the delay in filing the objections ?
2. What order ?

6. The above point No.1 is answered in the Affirmative, and point No.2 as per final order, for the following:

REASONS

7. **Point No.1:** The petitioner has filed claim petition against the respondents on account of injuries sustained by her in a road traffic accident, which took place on

30.04.2024. When the matter has been set down for evidence, the counsel for respondent No.2 filed present application seeking permission to file objections.

8. On perusal of the entire order sheet it is noticed to the Court that, summons to respondent No.2 served and appeared before the Court through its counsel. Thereafter, sufficient opportunity has been granted to filing objections, though respondent No.2 never filed extension application nor objections, hence, matter was set down for petitioner evidence and later respondent No.2 came up with the present application without sufficient reason. Anyhow, the above said application is within 90 days from the date of service of summons to the respondent No.2. Hence, in the interest of justice and equity application is deserves to be allowed otherwise the respondent No.2 will be put to great hardship without contest the case. Hence, I answer **point No.1 in the Affirmative.**

9. **Point No.2:-** In view of the above said reasons, I proceed to pass the following:

ORDER

I.A.No.V filed by the learned counsel for the respondent No.2 under Section 151 of CPC is hereby allowed on cost of Rs.200/-.

Resultantly, respondent No.2 is permitted to file objections and objections of respondent No.2 taken on record.

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **08th day of September, 2025**)*

sd/-

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.*