

IN THE COURT OF CIVIL JUDGE AND JMFC AT
HOLENARASIPURA

Present:- Sri. Chandrashekhara.P.Diddi, B.A., LL.B,
Civil Judge and J.M.F.C,
Holenarasipura.

Dated this the 3rd day of October, 2016

O.S.No.134/2008

Between

Rani and others : Plaintiffs

(By Sri.B.N.R.,Adv.,)

V/s

Chikkamallamma and others : Defendants

(D1 & 2 By Sri.P.D.D.,Adv.,
D3, 6 to 11 By Sri.H.S.A.,Adv.,
D12 By Sri.R.S.,Adv.,
D4 & 5 Ex-parte)

ORDERS ON IA-XXI

M.Shivaraj : Applicant/Defendant no.3

V/s

Rani and others : Plaintiffs

ORDERS ON IA-XXI

The defendant no.3 has filed IA.No.XXI U/s 151 of C.P.C
seeking permission to file the written statement.

2. In the accompanying affidavit of IA.No.XXI the defendant
no.3 submitted that after amendment of plaint, due to illness the

defendant has not filed additional written statement. Now he is intended to file the written statement. Hence prays for allowing the application.

3. The plaintiff counsel present and submitted that the application may be allowed.

4. Heard the argument of both the counsels.

5. The point that arises for my consideration is as follows.

1. Whether the application filed by the defendant no.3 is deserves to be allowed and what order?

6. I answer the above point is as follows.

Point No.1:- In the affirmative.

as per the final orders for the following reasons.

REASONS

7. **Point No.1:-** I have gone through the application averments.

In the application the defendant no.3 submitted that due to illness he has not filed the additional written statement in time. On perusal of the order sheet, the plaintiff amended the plaint. There after on 10/08/2016 case posted for additional written statement. But the defendants have not filed the additional written statement. There after this court passed the order that the additional written statement of the defendants taken as not filed. Now the defendant no.3 has filed this

application on 26/09/2016. But the defendants ought to have filed the additional written statement on or before 04/09/2016. There is no long delay in filing the additional written statement. Hence in the interest of justice, the application is deserves to be allowed. Accordingly I answer the above point in the affirmative. For the above stated reasons I proceed to pass the following order.

::O R D E R::

IA. No. XXI filed by the defendant no.3 U/s 151 of C.P.C is hereby allowed.

Additional written statement filed by the defendant no.3 is taken on record.

No order as to cost.

(Dictated to stenographer and transcribed by her revised and corrected by me then pronounced in the open court dated this 3rd day of October, 2016)

**(Chandrashekhara.P.Diddi)
Civil Judge and J.M.F.C,
Holenarasipura.**