

ORDERS ON APPLICATION FILED BY
DEFENDANT NO.1 AND 3 UNDER
ORDER 8 RULE 1(A) R/W SECTION 151
OF CPC

Defendant No.1 and 3 have filed this application seeking permission to file the written statement and contest the suit when the matter is posted for plaintiff evidence.

In the affidavit defendant No.1 has contended that he could not file the written statement in time as he was in search of certain documents. Hence he could not approach their counsel to give instructions to file written statement. Hence, they could not file the same in time. As such, prayed to permit the defendants to file written statement.

The plaintiff has filed objections and contended that they are intending to file the written statement when the matter is posted for plaintiff evidence. The defendants have not stated any valid reasons for the delay

caused. Accordingly prayed to dismiss the application.

Heard arguments. Perused the records. The defendants have filed this application along with written statement when the matter is posted for plaintiff evidence. It appears that, since their appearance they have kept quiet all these days and when the matter is posted for plaintiff evidence they have filed written statement. There is a suit for partition and separate possession. The plaintiffs have contended that, they are the joint family members along with the defendants. Hence, this court is of the opinion that, an opportunity may be granted to the defendants so as to put forth their case. However, the delay caused by them can be compensated by imposing costs. Otherwise, they may put to loss and injury and also lead to multiplicity of proceedings. In view of the same, this court is inclined to allow the application. Accordingly,

this court proceeds to pass the following:

ORDER

Application filed by the defendants under section 151 of CPC is hereby allowed on cost of Rs.300/-.

Written statement of defendant No.1 and 3 and memo of adoption on behalf defendant No.2 to 7 is taken on record.

For issues by 25.04.2025.

Addl. Civil Judge & JMFC.,
Sakaleshpura.