

ORDER ON IA No.IV

When the case was posted for hearing on IA No. 1, Defendant No.1 has filed the present application U/order 8 rule 10 R/w Sec. 151 of CPC, seeking permission to file his written statement.

2. The IA is supported by affidavit duly sworn by the PDO of defendant No. 1 authority, wherein he has contended that, the plaintiff has filed a false suit against him and it is very much necessary to file his written statement to disprove the case of the plaintiff. Due to delay in granting the permission by the higher authority, there is delay in filing the written statement. Per contra the plaintiff has filed objection to the application and contended that the present application is not maintainable either in law or on facts and the same is liable to be dismissed. It is further contended that, the documents produced by the defendant No. 1 along with written statement are not readable and no valid reasons

made out in filing the application at this stage. As such he prayed to dismiss the application with cost.

3. Heard the both side on application and perused the records. the following points arise for my consideration.

1. Whether the Defendant No. 1 has made out grounds to allow IA No.4 ?

2. What Order?

4. My findings to the above points are as under:

POINT NO.1 : In the Affirmative.

POINT No.2 : As per the final order, for the following:

REASONS

5. POINT NO.1 :

a). On perusal of the order sheet would demonstrates that, the suit summons was served and on 14.11.2024 the defendant No.1 made its appearance through the counsel and its written statement was taken as not filed on 09.04.2025. As per the provisions of Order VIII Rule 1 of CPC, the written statement should have been filed within 90 days from the date of service of suit summons; as such

there is delay in filing the written statement. Though there is a delay in filing the written statement, but the same is supported by cogent reasons which are stated by the PDO of defendant No. 1 panchayath on oath.

b) The contention of plaintiff regarding non production of legible copies were also complied by the defendant No. 1. Moreover the endeavor of this court must be to ensure that parties get ample opportunity to put forth their case and merely because there is a delay if this court goes on to reject the application, this court would be guilty of taking hyper technical approach, at the same time if the delay in filing the written statement cannot be brushed aside lightly and the same can be compensated by imposing cost. Hence, I proceed to answer the point No.1 in the **Affirmative.**

6. POINT NO.3: For foregoing discussion, I proceed to pass the following:

ORDER

The I.A filed U/o 8 rule 10 R/W Sec. 151 of CPC by the defendant No. 1 is hereby allowed and Written Statement filed by the defendant No.1 is hereby taken on record.

Call on for hearing on IA No. 1 by
19.06.2025.

SD/-
Pri. C.J. & I Addl. JMFC
Ranebennur.