

ORDER ON IA NO. VIII

The defendant No. 1 has filed application U/Sec. 151 of CPC seeking order to set aside to the effect that W.S. of defendant No. 1 to 3 taken as not filed.

It is stated by the defendant No. 1 that, they have filed written statement on 22-03-2024 with permission of this court and court has directed to pay cost of Rs.300/-. Meanwhile as per inconvenience defendants the cost was not paid hence this court ordered that W.S. of defendant No.1 to 3 taken as not filed. Therefore now the defendants are intending to file their written statement.

Per contra the plaintiffs have filed objections stating that the present application is not maintainable for the simple reason that in one application two prayer or relief can not be asked.

Heard both side.

Perused the materials.

No doubt that this court has imposed cost on defendants while dealing with their application in relation to seeking permission to file their written statement. It also appears that on non compliance of order the W.S. of defendant taken as not filed. Now the defendants are once again seeking permission to take their written

statement on record. As the objections of plaintiff is taken into consideration in order to decide real dispute between the parties it is require here to take W.S. of defendants on record that to by imposing further cost on defendants. Hence without going to the other aspects in relation to present application. I proceed to pass the following,

ORDER

IA No. VIII filed U/Sec. 151 of CPC is hereby allowed on cost of Rs.1,000/-.

The written statement of defendant No. 1 to 3 taken on record subject to payment of cost of Rs.1,300/-.

Issues and payment of cost by 13-12-2024.

**Sr.CJ and JMFC, Shiggaon
(At: Savanur.)**