

KAKL200042982022



**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE AT
BANGARPET**

:PRESENT:

SRI.CHANDRASHEKHAR ALABUR,

B.A., LL.B., (Hons)

I ADDL., CIVIL JUDGE & JMFC., BANGARPET.

O.S. No.327/2018

DATED THIS 10th DAY OF JUNE 2026

PLAINTIFF : **Smt. Deveramma.,**
(Rep by Sri.**K.M.V.**, Advocate)

-V/S-

DEFENDANT/S : **Sri Nagabhushan and Others.**
(Rep., by Sri.**M.P.R.**, Advocate)

PARTIES TO I.A.No.4

Applicant/
Defendant No.1 : Sri Nagabhushan.,

-V/S-

Opponent/
Plaintiff/s : Smt. Deveramma.,

i.	Provision under which the application is filed	U/Sec. 151 of CPC
ii.	Relief sought for	To file written statement
iii.	The date on which the application is filed	15.04.2026
iv.	Number of the applications	I.A.No.4
v.	The date on which the objection is filed by different opponents	10.06.2026
vi.	The date on which the orders were passed on the said application	10.06.2026

ORDER ON I.A. No.4

The present I.A. No.4 is filed by Defendant No.1 under Section 151 of the Code of Civil Procedure seeking permission to file the written statement in the above suit.

2. The case of the applicant is that the plaintiff has instituted the present suit for the relief of permanent injunction and other consequential reliefs. The applicant contends that though he intended to contest the suit by filing written statement, due to certain personal difficulties and health issues he was unable to contact his counsel and furnish instructions for filing the written statement within the prescribed time. It is further averred that he has now approached his counsel and desires to contest the matter on merits. The applicant submits that if the application is not allowed, he would be put to great hardship and irreparable loss, whereas no prejudice would be caused to the plaintiff if permission is granted. Accordingly, he seeks leave of the Court to receive the written statement.

3. The plaintiff has filed objections contending that the application is not maintainable either in law or on facts. It is contended that the defendant had complete knowledge of the pendency of the suit and that the reasons assigned in the affidavit are false and unsupported by any documentary evidence. It is further contended that there is enormous delay in filing the written statement and that the application is filed only to protract the proceedings. The plaintiff therefore seeks dismissal of the application.

4. Heard both sides. Perused the records.

5. The point that arises for consideration is:

Point NO.1 : "Whether Defendant No.1 has made out sufficient grounds to permit him to file the written statement at this stage?"

Point NO.2 : What order?

6. My finding on the above point as under

Point NO.1 : In the **Affirmative**,

Point No.2 : For the following reasons,

REASONS

7. Point No.1 : It is not in dispute that the present suit is one for permanent injunction. The defendant seeks permission to place his defence on record by filing a written statement. Though there is considerable delay in seeking such permission, it is well settled that the provisions of Order VIII Rule 1 of CPC are directory and not mandatory. The object of procedural law is to advance the cause of justice and not to defeat substantive rights of parties.

8. The Hon'ble Supreme Court in **Kailash Vs. Nanhku** has held that the provisions relating to filing of written statement are procedural in nature and in appropriate cases the Court possesses discretion to permit filing of written statement beyond the prescribed period in order to secure the ends of justice.

9. In the present case, the defendant seeks an opportunity to contest the suit on merits. Refusal to permit filing of written statement would result in denial of opportunity

to place his defence before the Court. Ordinarily, disputes relating to civil rights are required to be adjudicated after affording reasonable opportunity to both sides. The Court is of the view that substantial justice would be served if the defendant is permitted to file the written statement, subject to payment of costs, so that the inconvenience caused to the plaintiff on account of delay is compensated.

10. Though the explanation offered by the defendant may not be wholly satisfactory, the Court is of the opinion that the ends of justice would be met by granting one final opportunity to Defendant No.1 to file the written statement subject to costs. Such permission would enable effective adjudication of the real controversy between the parties and would avoid multiplicity of proceedings. Accordingly, the point under consideration is answered **in the Affirmative.**

11. Point NO.2 : For the foregoing reasons, I proceed to pass the following,

ORDER

I.A. No.4 filed by Defendant No.1 under Section 151 of CPC is hereby allowed.

Defendant No.1 is permitted to file the written statement subject to payment of costs of Rs.400/- (Rupees Four Hundred only) to the plaintiff.

The written statement shall be received only upon payment of the aforesaid costs.

*(Dictated in the open court and pronounced in the open Court on this the **10th day of June, 2026.**)*

Sd/-

(CHANDRASHEKHAR ALABUR)
I Addl. Civil Judge and JMFC
Bangarpet