

13.10.2025

ORDER ON IA No.III

This is IA No.III filed by learned counsel for the defendants U/s 151 of CPC., seeking permission to file written statement.

2. In an accompanying affidavit, it is stated by the defendant No.7 that they could not file their written statement due to non secure of necessary documents from Sonnavadi Grama Panchayath on earlier dates of hearing. Hence, prays to permit the defendants No.1 to 11 to file written statement.

3. The learned counsel for the plaintiff has filed objections and contended that summons to defendant No.1 to 11 was served on 27.04.2024. This court has taken written statement of defendants taken as not filed on 19.09.2024. How that

plaintiff examined as PW.1 and has got marked on his behalf. The plaintiff has filed this suit in respect of Sy No.97/1 of Gummalapura village and the defendants though aware of no any documents available with Sonnawadi Grama panchayath have sworn to false affidavit. The defendants cannot be permitted to file written statement after expiry of 90 days. On all these grounds prays to dismiss application with cost.

4. Heard and perused the materials on record.

5. Perused the case file.

6. The plaintiff has filed this suit for the relief of permanent injunction. The defendant no.1 to 11 have appeared through their counsel on 27.04.2024 and have failed to file written statement and objection to IA No.I. Now, when the case posted for further plaintiff evidence, the defendants come up with instant application to file written statement. The question before the court is whether permission can be granted to file written statement after lapse of 90 days from the date of service of summons.

7. The Hon'ble Apex court in its various decisions has held that the court permission to filing of written statement beyond upper limit of 90 days is in exceptional cases and order 8 rule 1 of CPC., is directory in nature and not mandatory.

8. Herein this case, plaintiff claiming permanent injunction against the defendants. Hence, an opportunity has to be provided to the defendants to participate in the suit by establishing their defence. Otherwise, it may lead to

multiplicity of proceedings. Accordingly I proceed to pass the following;

ORDER

IA No.III filed by defendant No.1 to 11 under section 151 of CPC., is hereby ***allowed*** on cost of Rs.1500/-.

The written statement of defendant no.1 to 11 is taken on record.

For payment of costs and for compliance Under Section 89 and Order X of CPC.

Call on:**04.11.2025**

**Prl. Civil Judge & JMFC.,
Mulbagal**