

Com.O.S.No.50/2022

ORDER

This is the suit filed by the Plaintiff seeking recovery of Rs.19,48,368/- from the defendants with interest, in which after service of summons though the Defendants have appeared through their counsel, they have not filed written statement within the time provided for the same. Now the Defendants No.1 to 3 have filed the present application under Sec.151 of CPC seeking permission to file written statement.

In the affidavit filed in support of the application the defendant No.2 has contended that, due to unavoidable circumstances they could not contact their counsel to give instructions to prepare written statement, they have got good defence. Hence, it is necessary to permit them to file written statement. In case of refusal of permission they will be put to great hardship, inconvenience, loss and damage which cannot be compensated in any manner, on the other hand no loss or

hardship will be caused to other side in case if the application is allowed.

To this application the Plaintiff's counsel filed objection stating that, there is no valid reasons to permit the Defendants to file written statement at the later stage. Hence, the application is not maintainable and liable to be rejected.

On perusal of the records it is found that, on 10.01.2024 the Defendants were served with summons. Thereafter, on 09.02.2024 the defendant No.1 to 3 have appeared through their counsel, but they have not filed any written statement within 30 days. Accordingly, on 11.03.2024 written statement of the Defendants No.1 to 3 is taken as not filed and thereafter on 23.04.2024 the defendant No.1 to 3 have filed the written statement along with the present application. By Looking into the affidavit of the defendant No.1 it appears to me that, except contending that due to unavoidable circumstances the defendant No.1 to 3 have not filed written statement within time, there is no any specific reasons is shown by the defendant No.1 to 3 for not filing the written statement within

time. However, as the defendant No.1 to 3 have filed the present application along with written statement of the defendant No.1 to 3 within 120 days from the date of service of summons, it is decided to allow the application by imposing cost and provide another opportunity to the defendant No.1 to 3 to defend the matter. Hence, the following ;

ORDER

I.A.No.V filed by the defendants under Section 151 of C.P.C. seeking permission to file written statement is allowed on payment of cost of Rs.2000/-.

For payment of cost and Issues :
30.06.2025.

II Addl. District & Sessions Judge,
Mysuru.