

Order on I. A No. IV

The counsel for defendant no. 5 has filled the present application I.A.no. IV U/sec 151 of CPC to receive the written statement of defendants no. 1 to 5 by condoning the delay.

2. The application is supported by the affidavit of the defendants no. 1 to 5 and it is sworn that due to their personal inconvenience, financial problem and non availability of certain documents, they could not meet their counsel to give instruction to prepare the written statement. Therefore they could not file the written statement within the stipulated time. Hence prayed to receive the written statement by condoning the delay.

3. The plaintiff counsel submits no objection to the present application.

4. Heard the arguments of counsel for both parties.

5. The counsel for defendants no.5 has filed the present application to receive the written statement of the defendants no. 1 to 5 by condoning the delay. It is stated in the affidavit accompanying to the application that due to their personal inconvenience, financial problem and non availability of certain documents, they could not meet their counsel to give instruction to prepare the written statement. By considering the reason assigned in the affidavit accompanying to the application, in the interest of justice, an opportunity should be given to the defendants no.

1 to 5 to contest the present case by filing their written statement. Hence for the said reasons this court proceed to pass the following;

ORDER

The application I.A.no IV filed by the defendant no. 5 U/sec 151 of CPC is here by allowed with cost of Rs.150/- and the written statement filed along with the application is hereby taken on record by condoning the delay.

Call on: 14.06.2023.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 03rd day of June 2023)

(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote