

**ORDERS ON I.A. No.III FILED  
UNDER SECTION 151 OF C.P.C.**

The counsel for the defendant No.1 filed the present I.A. No.III under Section 151 of CPC seeking permission to re-open the case and permission to file written statement on behalf of defendant No.1.

2. In support of the IA, the defendant No.1 has sworn to an affidavit wherein he has stated that, the plaintiff has filed this suit against the defendants seeking for the relief of Permanent injunction. Now the case is posted for further evidence of plaintiff. The defendant No.1 could not file the written statement within the stipulated period due to his ill health. If he is not permitted to file the written statement, he will be dragged to untold hardship which cannot be compensated by any cost. On the other hand if the application is allowed, no harm would be caused to the other side. Hence, prays to allow the application by condoning the delay caused in filing the application.

3. On the other hand, the plaintiff counsel Sri.DRM, orally submits that he has no objections to IA No.III.

4. Heard the applicant counsel, perused the application and materials on record.

5. The point that arise for my consideration is "*Whether the application filed by the defendant No.1 deserves to be allowed?*". The above point is answered in the **Affirmative** for the following -

### **REASONS**

6. The suit is filed by the plaintiff against the defendants seeking for the relief of Permanent Injunction.

7. On perusal of order sheet it reveals that, suit is filed on 15.02.2024 and thereafter summons was issued against the defendants. On service of suit summons, the defendants appeared through their counsel on 23.03.2024, but despite giving sufficient opportunities they have not filed written statement. Hence, this Court has taken the written statement of defendant No.1 & 2 as not filed on 29.03.2024 and case was posted for plaintiff evidence. The plaintiff examined himself as PW.1 and got marked Ex.P1 to 7 documents. Then the matter was posted for further evidence of plaintiff. At this stage, defendant No.1 has come up with the present application on 04.01.2025 seeking permission to file the written statement.

8. It is well settled principle of law that, if the reasons stated by the applicant for condoning the delay and to receive written statement on record are satisfied to the Court. Under the special circumstances the Court has

got ample powers to condone the delay and to receive the written statement. It is also worth to note the *Hon'ble Apex Court and Hon'ble High Court of Karnataka* in many decisions observed that by imposing cost the written statement may be taken on record in order to do justice to the needy and in the interest of justice. In view of the principles of decisions and circumstances of the case, the reasons stated by the defendant No.1 in his affidavit this Court is on the opinion that I.A. No.III filed U/sec.151 of CPC by the defendant No.1 is deserve to be allowed on imposing cost. Hence, I proceed to pass the following :

**ORDER**

I.A. No.III filed by the applicant/defendant No.1 Under Section 151 of CPC is hereby allowed on cost of Rs.750/-, out of the said cost Rs.500/- is payable to TLSA, H.D. Kote and remaining Rs.250/- is payable to the plaintiff.

The defendant No.1 is hereby permitted to file the written statement subject to payment of said cost.

The written statement of defendant No.1 will be taken on record subject to payment of said cost.

Call on 11.02.2025

Civil Judge & JMFC  
H.D.Kote