

**ORDERS ON IA.NO.I FILED UNDER SECTION 151  
OF CPC**

The Jdr has filed the application U/Sec 151 of CPC with a prayer to permit him to file written statement by condoning the delay.

**2.** In support of the application sworn to affidavit he has contended that after receipt of notice though he appeared before the court, he could not file the objections to main petition on time and instruct his counsel and filing the present application for submitting his objections. If the said application is not allowed, he will be put to great hardship and injury and thereby prayed to allow the application.

**3.** On the other hand the Dhr filed objections contending that the present application is not maintainable, liable to dismiss. The suit in OS.No.45/2019 was compromised between the parties. In the said compromise, Jdr agreed to pay Rs.50,000/- in two installments and the Jdr further agreed that in the event of failure he will pay Rs.75,000/-. Therefore the Jdr has not paid any decreed amount. The Jdr has not filed any appeal against the compromise decree. Though the Jdr has got sufficient means to pay the decreetal amount, in his objections he has taken no means with an

intention to drag the proceedings. Hence prayed to dismiss the application.

4. Heard from both side and perused the material available on the record.

5. The following points that would arise for my consideration are:

1. Whether the Jdr has made out ground to allow the instant application?
2. What order?

6. My answers to the above points is as follows;

Point No.1: In the "***Affirmative***"

Point No.2: As per the final order for the following:-

#### **REASONS**

7. **Point No.1:** The present petition is filed by the Dhr seeking the execution of decree passed in O.S.No.45/2019. It is pertinent to note that after service of notice, the Jdr appeared through his counsel. But failed to file objections. Hence arrest notice was issued against the Jdr. At this stage Jdr came up with the present application to permit him to file objections to main petition. It is submitted that he could not give information to his counsel on time, therefore delay has occurred. It is pertinent to note that the reason assigned by the Jdr appears bona-fide because on the next hearing date itself the Jdr

has filed IA.No.I with objections to main petition. Therefore I answer Point No.1 in the “**Affirmative**”.

**8. Point No.2:** In view of finding I proceed to pass the following:

**ORDER**

The I.A.No.I filed by the Jdr  
U/Sec 151 of CPC is hereby allowed  
on cost of Rs.150/-.

**Addl. Civil Judge & JMFC.,  
Periyapatna.**

**ORDERS ON OBJECTIONS TO MAIN PETITION**

The Jdr in his objections has taken the contention that he has no means to pay the decretal amount.

**2.** On the other hand, the Dhr has contended that this petition is arisen out of compromise decree. Thereafter the Jdr failed to pay the said amount. Hence at this stage he cannot take the said grounds.

**3.** Heard.

**4.** On perusal of the materials on record, the Dhr and Jdr have filed compromise application in OS.No.45/2019. In the said application out of total amount due by Jdr, it was settled the matter for

Rs.50,000/- payable in two installments ie., Rs.25,000/- each on 07.04.2022 and 30.04.2022. Accordingly the matter was settled before Lok-adalath. At that time, the Jdr has agreed for the said amount. Once again taking the ground of no means shows the intention of Jdr to deprive the rights of Dhr to recover the amount and to drag the proceedings. Therefore the objections raised by the Jdr is not sustainable. Hence the following;

**ORDER**

The objections are not sustainable.

**Addl. Civil Judge & JMFC.,  
Periyapatna.**