

:ORDER IN IA.No.XXVI:

Provision under which the application is filed	Under Section 151 of CPC
Relief sought for	Permission to file written statement of defendant No.8.
The date on which the application is filed	13-11-2025
Number of the application	IA NO.XXVI
The date on which the objections are filed by different opponents	09-12-2025
date on which the orders passed on the said application	06-03-2026

The present application is filed by guardian of defendant No.8 seeking permission to file written statement of defendant No.8. In support of the IA defendant No.4 has sworn to her statements of affidavit formally.

The IA is objected by the plaintiff mainly objecting defendant No.8 already filed his written statement on 28-01-2018 itself and there was the issue based on the written statement and contention made by defendant No.8. Hence the present applicant is not maintainable.

2. Heard both sides, perused the IA, contents of affidavit, accompanied with IA and objections; on the basis point that would arise for consideration;

POINT:

Is IA.No.XXVI deserve to be allowed?

3. The findings on the point are in the negative for the following :

:REASONS:

4. Point : The present suit is for the relief of partition and separate possession. At the stage of defense evidence the present IA is filed.

The file reveals defendant No.8 already filed his written statement as objected by the plaintiff and additional issue No.1 is there on the contention of defendant No.8, hence the objection is tenable. Further, the present application is not for seeking additional written statement on the changed circumstances, and the provision invoked is section 151 of CPC is not relevant on circumstance as the CPC provides for relevant provision for the purpose. In view of this, it is found the the present application is not maintainable either in law or on facts. Hence this point is answered in the Negative and so

the following order is passed;

:ORDER:

IA No.XXVI is rejected with cost.

The written statement filed along with the
IA stands rejected.

For defense evidence by 10-03-2026.

(Dictated to the Stenographer, transcript and typed by her, script corrected, signed and then pronounced in the open Court by me on this the 06-03-2026).

Sd/-
(Sudeen Kumar.D.J)
Addl.Sr.Civil Judge Court & JMFC-I,
Raichur.