

Order on I.A.No.III

1. That, the learned counsel for the plaintiff filed the application under Section 151 of Code of Civil Procedure with a prayer permit her to file the objections to I.A.No.II by setting aside the order passed by this Court on 06.10.2020. That, in said application it has contended that the defendant No.6 filed the application for rejection of plaint and as there was lock down due to Covid-19 Pandemic, the plaintiff and her learned counsel could not appeared before this Court and filed objections to said application and in meanwhile the Court had taken objections to said application as nil. That, in said application it has been further contended that non-filing of objections to said application by plaintiff is not an intentional one and if she is permitted to file her objections to said application then no prejudice would be caused to other side.

2. That, the defendant No.6 filed his detailed objections to said application and has specifically

contended that the Hon'ble Court though, on various dates i.e. 04.04.2020, 01.06.2020, 30.06.2020, 22.07.2020, 04.08.2020, 03.09.2020, 23.09.2020, 06.10.2020 and 14.10.2020 had issued the summons to plaintiff but, the said notice was not served on her for want of correct address. That, the defendant No.6 has further contended that the plaintiff only with an intention to drag the proceedings filed this application. That, the defendant No.6 in view of his aforesaid contentions has prayed for rejecting the said application.

3. That, I have heard the arguments and perused the materials placed on record. That, the following points arise for My consideration and determination:-

1. Whether the plaintiff has made out the grounds for allowing her said application as prayed for?

2. What order?

4. That, My answer to aforesaid points are as under:-

Point No.1:- In the **AFFIRMATIVE**

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

REASONS

5. Point No.1:- That, the plaintiff has contended that as lock down declared due to Covid-19 pandemic she and her learned counsel could not appeared before this Court and filed the objections to said application. It is pertinent to note here that, the plaintiff filed the present suit for partition and separate possession and also for declaration. That, the defendant No.6 filed the I.A.No.II under Order VII Rule 11(c) of Code of Civil Procedure R/w Section 11(1) of Karnataka Court Fees and Suit Valuation Act. That, the plaintiff has got every right to defend the said application. It is pertinent to note here that, if the plaintiff is not permitted to file her objections to said I.A.No.II then it would causes prejudice to her. Hence, without much discussion, point No.1 is answered in the **AFFIRMATIVE**.

6. Point No.2:- That, as discussed on point No.1, I proceed to pass the following :-

ORDER

That, the application filed by the plaintiff under Section 151 of Code of Civil Procedure, is hereby allowed.

That, no orders as to cost.

That, the plaintiff is permitted to file objections to I.A.No.II.

That, the plaintiff already filed objections to I.A.No.II.

That, for hearing on I.A.No.II by 02.03.2021.

(Directly dictated to the Stenographer on Computer, typed by him, corrected by me and then pronounced in the open court on this the 16th day of February 2021).

(Smt. Hema Pastapur)

II Addl. Senior Civil Judge and
JMFC, Raichur.

c/c 1st Addl. Senior Civil Judge
and JMFC, Raichur.