

ORDERS ON I.A.No.XI

Provision under which the application is filed	U/o.8 rule 1 R/w.Sec.151 of CPC.
Relief sought for	To permit the defendant no.1 and 2 to file the written statement.
The date on which the application is filed	18.12.2025
Number of the application	IA No.XI
The date on which the objections are filed by different opponent	--
The date on which the orders were passed on the said application	22.01.2026

The defendant no.1 and 2 filed this application U/o.8 rule 1 R/w.Sec.151 of CPC to permit the defendant no.1 and 2 to file the written statement.

2. In the affidavit defendant no.1 and 2 contended that the applicant is an semi-literate agriculturist women with no knowledge of legal procedures and court processes. The applicant was bonafide belief that the dispute will be amicably settled and would withdraw the suit. The applicant was under bonafide belief that the suit would be dismissed on merits. The applicant was

engaged in agriculture activities. The applicant realized the gravity of the situation only his counsel berated him about non-filing of their written statement and its consequences. The suit property measuring 13 acres 24 guntas are the only source of livelihood of defendant no.1 and 2 and their family. If the application is not allowed the defendant no.1 and 2 will put untold hardship. Hence prays to allow the application.

3. On the other hand, the advocate for plaintiff submitted that there is a delay of 09 years and application may allowed on costs of Rs.5,000/-.

4. Hard both sides.

5. After going through the material available on record the plaintiffs have filed this suit for partition and separate possession against the defendants in respect of suit schedule properties. Now the case is posted for further chief of PW.1 at this stage filed this application along with written statement of defendant no.1. As per the records the defendant no.1 and 2 appeared through counsel on 20.11.2017 and on 03.04.2018 the written statement of defendant no.1

taken as not filed. After laps of more than 7 years the present application was filed along with written statement of defendant no.1. Now the case was posted for further chief of PW.1. Considering the entire material this being a trial court it is necessary to give opportunity to file the written statement by imposing costs. Hence in the interest of justice this court proceed to pass the following:-

O R D E R

The IA no.XI filed by the defendant no.1 U/o.8 rule 1 R/w.Sec.151 of CPC is hereby allowed on cost of Rs.3,500/-.

Out of total costs Rs.1,500/- is to be paid to the plaintiff and remaining costs of Rs.2,000/- is to be paid to the TLSC, Devadurga.

Subject to payment of cost written statement taken on record.

Call on issues.

Call on 16.02.2026.

**Senior Civil Judge and J.M.F.C.,
Devadurga.**