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1.	Provision under which the application is filed	U/section 151 of CPC
2.	Relief sought for	Permission to file W.S.
3.	The date on which the application is filed.	16-08-2025
4	Number of application.	IA No. 01 and 02
5	The date on which the objections are filed by different opponents	16-08-2025 no objection
6.	The date on which the orders were passed on the said application.	16-08-2025

∴ ORDERS ON IA NO. I AND II ∴

This is the application No. 1 and 2 filed by the defendant no. 1 and 6 permission to file his written statement of this suit. In the affidavit It is averred to the application. originally the plaintiff has filed suit for the relief of partition and separate possession against defendant in respect of suit

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schedule property. It is also averred that due to non availability of the documents. defendant could not contact their counsel to instruct to him to filed written statement as such written statement on his behalf could be filed in this case. The delay in non filing of written statement is not intentional. If this application is allowed know hardship will be caused to plaintiff. Per contra if this application is not allowed the defendant no. 1 and 6 will put to grate hardship before pray to allow the application in interest of justice. On receipt of application learned counsel application has filed objection contending that the application is not maintainable ether in law or fact also. Objection taken as not filed to the IAs.

On the basis of the application and objection filed following points arise for my consideration.

1. Whether the defendant has made out sufficient ground to allow this application ?
2. What order?
3. My answer to the above point is as under.

Point no.1:- In the Affirmative.

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

REASONS

Point no.1:- At the outset it is the suit for the relief of partition and separate possession in respect of suit schedule property against defendant no. 1 and 6 . Hence under such circumstances the right of the parties needs to the

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adjudicated, as such he need to be give on opportunity to defend their right suit property. Further on perusal of order sheet, defendants appeared through his counsel on 06-11-2024 but all these days they has not filed written statement. As such, if application as prayed for is allowed, there will be delay is proceedings. But only delay in filling the written statement shall not deny the opportunity to defendant to defend her right with respect of suit property. As such in my view by imposing suitable cost, the defendants can be permitted file their written statement. Hence, the defendants has made out sufficient ground to allow this application. Accordingly I answer to the point no.1 in the Affirmative.

Point no.2:- In view of discussion arrived at point no.1 IA no. I and II deserves to be allowed. Hence I proceed to pass the following,

:ORDER:

Application No. 1 and 2 filed by the defendant no. 1 and 6 u/s 151 of CPC is hereby allowed on cost of Rs. 200/- . Cost paid, written statement and counter claim and memo of adoption filed defendant No. 2, 3(a) to (3) and 4 to 10 is allowed and taken on record. For compliance of section 89 of CPC. Call o n 30-08-2025.

Sd/-

Civil Judge and JMFC,
Devadurga.

