

**IN THE COURT OF SENIOR CIVIL JUDGE &
J.M.F.C., CHANNAPATTANA.**

DATED : THIS THE 26th DAY OF JUNE 2019

: PRESENT :

SMT. YERMAL KALPANA, B.Sc., LL.M.,
Senior Civil Judge & JMFC,
Channapatna Taluk,
Ramanagara District.

OS No.52/2015

Plaintiff : Miss.N.C.Latha.

- V/s -

Defendants : Smt.M.Leelavathi.

* * * *

ORDERS ON I.A. No.3

The defendant has filed the application under Section 151 of CPC seeking permission to file written statement by recalling the order dated 02.08.2017 by contending that when the case was posted on 02.08.2017 for filing his written statement, he was taking treatment for cancer at M.S.Ramaiah Memorial Hospital, Bangalore and has not in a position to move about and hence could not give instructions to his counsel. Recently after recovery he came to know about the fact that his written statement has been taken as Nil. The defendant has got good case on merits and the failure on his part is not filing the written statement was neither deliberate nor intentional. Hence, prays for allowing the application.

2. The plaintiff has not filed any objection.
3. Heard and perused the materials on record.
4. The plaintiff has filed this suit for the relief of specific performance of contract dated 04.08.2012. After summons

was served on the defendant on 12.04.2017, he appeared through his counsel, but did not file his written statement on 02.08.2017, the written statement of the defendant was taken as nil and case was posted for plaintiff evidence on 30.08.2017. On the next date i.e., on 03.10.2017, the defendant filed this application, but considering that after the defendant had come on record and for only one hearing date as the defendant had not filed his written statement and as there is no objection by the plaintiff with respect to the application filed.

The I.A.No.3 is allowed at cost of Rs.250/-.

For issues.

(YERMAL KALPANA)
Senior Civil Judge & JMFC,
Channapatna.

Order pronounced in the open court
vide separate

ORDER

I.A.No.6 filed by the defendant Nos.2
& 3 is hereby dismissed.

No order as to cost.

(YERMAL KALPANA)
Senior Civil Judge & JMFC,
Channapatna.