

**IN THE COURT OF THE II ADDL. CIVIL JUDGE &
J.M.F.C., AT KANAKAPURA**

**PRESENT : Smt.Hemashree D.
B.A.L., L.L.B.,**

**II Addl. Civil Judge and JMFC,
Kanakapura.**

Dated this the 9th day of October 2015

FTP.No.4/2008

Between:

Plaintiffs: Kum. Kousalya and others

V/s

Defendants: Sri. Vyramudigowda & others

ORDER ON IA- I AND II FILED U/S 151 OF CPC

The respondents have filed the present applications U/Sec.151 of CPC praying to condone the delay in filing the objections to the main petition.

2. In the accompanying affidavit the respondents have contended that the petitioners are not entitled for any share in the suit schedule property. That they have suppressed the material facts. The respondents have preferred R.A. which is numbered as R.A.131/2009 which

is pending. The delay in filing the objections is not intentional. On these grounds prayed for allowing the applications.

3. The petitioners have filed objections to IA.No.II but have not filed any objections to IA.No.I. It is contended that after hearing both sides final decree proceedings were ordered by this court and the Tahasildar is appointed as the court commissioner. The commission warrant is already executed and filing of the commission report is pending. At this belated stage the present applications are filed to delay the proceedings. Hence prayed for rejection of the applications.

4. Heard both sides.

5. The following points arise for my consideration:

1. Whether the respondents have made out the grounds to condone the delay in filing the objections to the main petition?
2. What order?

6. My answers to the above said points are as follows:

Point No.1: In the Negative

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

REASONS

7. Point No.1: The present applications are filed on 4-06-2011 and 31-03-2015. It is to be noted that on 24-04-2010 itself this court passed an order allowing the IA filed by the petitioners U/o. XX R 18 and order XXVI R 13 & 14 CPC and ordered for partition of the suit schedule property on the basis of good and bad soil and to hand over 1/5th share therein to the plaintiffs as per the decree. Moreover, no stay is reported by the respondents. As the present applications are filed subsequent to the said order, they do not survive for consideration. Accordingly, I answer **Point No.1 in the Negative.**

8. Point No.2: In view of the above discussion, I proceed to pass the following;

ORDER

IA-I & II filed by the respondents U/Sec.
151 CPC are rejected.
No order as to costs.

(Dictated to the Stenographer, typed by her and corrected and pronounced by me in the open court on this 9th day of October 2015).

(HEMASHREE .D)
II Addl. Civil Judge, &.J.M.F.C.
Kanakapura.

ORDER

IA-I & II filed by the respondents U/Sec.
151 CPC are rejected.
No order as to costs.

(HEMASHREE .D)
II Addl. Civil Judge, &.J.M.F.C.
Kanakapura.

