

05.06.2026

Pltf:- Sri. A.K.H.,

D1 to 4:- Sri. L.P.S.,

For orders on I.A.No.2

ORDERS ON I.A.No.2

The defendant No.1 to 3 have filed the I.A.No.2 under Sec.151 of C.P.C., along with written statement of defendant No.1 to 3 and with a prayer to condone the delay if any in filing the written statement.

2. The I.A., copy served to the other side. The counsel for the plaintiff filed the detailed objection and resisted the I.A., filed by the plaintiff.

3. Heard the arguments of both sides.

4. On perusal of the rival contentions of both parties, the following points would arise for my consideration;

Point No.1: Whether the I.A.No.2 filed by the defendant No.1 to 3 is deserves to be allowed?

Point No.2: What order?

5. My answer to the above points are as follows;

Point No.1: In the Affirmative.

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

Reasons

6. **Point No.1:** It is the urge of the defendant No.1 to 3 that, they were suffering from age old ailments, hence they could not filed the written statement within time in the above matter.

7. On the other hand, the plaintiff has contended that, the defendants have not assigned any valid grounds to allow the application. The defendants No.1 to 3 have

filed this application only with an intention to harass this plaintiff.

8. On perusal of the materials placed on record, admittedly the plaintiff has filed this suit against the defendants for the relief of partition and separate possession in respect of suit schedule properties. In order to determine the rights of the parties involved in the above matter, the written statement of defendant No.1 to 3 is very much necessary. Under these facts and circumstances, by imposing the cost to the defendant No.1 to 3 and permitting them to file the written statement in the above matter, it would meet the ends of justice. If this I.A., is allowed, there is no hardship cause to the other side. Hence, I answer the point No.1 in the Affirmative.

9. **Point No.2:** In view of the findings on point No.1, I proceed to pass the following;

Order

The I.A.No.2 filed by the defendant No.1 to 3 is hereby allowed on payment of cost of Rs.500/-.

Subject to payment of cost, the written statement of defendant No.1 to 3 may be taken on record.

For compliance of Court order by and to hear on I.A.No.1 by 11.06.2026.

**Addl. Senior Civil Judge & JMFC,
Magadi.**

