

OS 36/2021

Learned Advocate Sri KGK submits two applications, firstly Under order 08 Rule 1 of CPC r/w section 151 of CPC seeking to condone the delay in filing written statement and secondly to revert the stage for filing of written statement.

None appears for plaintiff despite calling the case twice, once at 11-00 am and again at 12-00 pm. Hence considering the age of the case, request present in the above applications, nature of the case, keeping in mind the law being clarified by Hon'ble High Court of Karnataka and Supreme court that time limit stipulated for filing of written statement is a directory one by nature, as the acceptance of written statement by condoning

delay would not trouble plaintiff and as the same would enable this court to effectively adjudicate the case, above applications stand allowed. Written statement is accepted by condoning delay in filing it and a memo being filed seeking to consider said written statement of defendant no.1 to be the objections on I.A no. I, is considered accordingly. For hearing on I.A no I and so also to ensure compliance of section 89 of CPC, by 27-06-2022.

(S.S Bharath)
Senior Civil Judge & JMFC.,
Thirthahalli

