

17/8/24
Pdtf - MRP

Case Called
over

W142 - KMS

Orders on IA-8

Common orders on
DA No. (8) (9) U/s. 151 CPC

The defendant no. ① of this
Case filed the DA and sought for
sweeping of the Case as well
to file written Statement on
behalf of the defendant no. ①,
in the ends of Justice.

- ② Per Contra, Heard for plaintiffs
filed the objections to DA No. ⑧.
- ③ Heard Heard for ppts,
defendants.
- ④ Perused the documents available
on record.

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⑤ The following points arise for consideration before this Court viz,

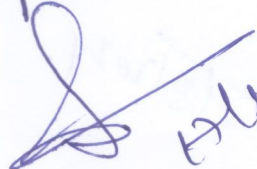
① whether the defendant No. ① has made out sufficient grounds to allow the DT?

② what order.

⑥ This Court answered the following points as under viz,
Point No. ① - In the negative;
Point No. ② - As per the orders for following

REASONS

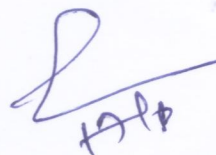
⑦ Point No. ① The plaintiffs have filed the suit against the defendants seeking for the relief of partition and separate possession. The matter is posted for defence list. At this juncture the present application is filed.

 H. B. H. H. H.

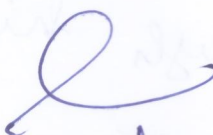
⑧ The Contents of Sworn affidavit annexed to the Dt reveals that the due to pendency of O.S No. 116 / 2016, before the Civil Judge & 800000, the defendant no① could not file the Wst. That he got good license hence sought for allowing the Dt.

⑨ Per Contra, plaintiffs contend that the defendant no① has no revealed proper reasons to file the Wst at belated stage. That there is delay of 7 yrs. Hence sought for rejecting the Interim applications in the ends of Justice.

⑩ This Court perused the documents available on record. As per the records, the defendant no① vide order of this Court dated on 30/5/2016, has appeared through his learned Counsel


HLP

his BSH. That vide orders of
this Court dated 2/9/2016, the W1st
of defendant no① taken as not filed.
Later, the matter is posted for plaintiff
side evidence. That the defendant no①
in his sworn affidavit annexed
to the BSH contend that due to
pendency of O.S. No. 116 before
2016
the Civil Judge Court ~~Baroda~~,
he did not file the written
statement. However defendant no①
has failed to state the reasons
about the relevancy of said ~~to~~
Case to the present Case. The
delay caused in filing W1st by
the defendant no① is very
inordinate. If the BSH are allowed,
then it would ~~be~~ amount to
misuse of the provisions of law by
the defendant no①. Hence, for
the aforesaid reasons, discussion
the


Hls

OS. 64/16

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This Court proceeds to pass
the following

order

D-1 No. ② ③ filed U/S. 151 CPC
by the defendant no. ① are
hereby rejected without costs.
Ref Sri

do 3/18

I write the order in my own
handwriting, corrected, initialed then
pronounced by me in the open
Court on 17th day of August
2024 @ Sorabg


(Shree Ningsappa
Koppal)

17/8/2024
JCT, Sorabg