

Sri. NAC, advocate files vakalath for plaintiff with no objections from previous counsel.

Sri. SR, advocate for defendant No.5 files an application U/Sec. 151 of CPC along with written statement of defendant No.5 and memo to consider his written statement as objections to IA.No.3.

Sri. NS, advocate files vakalath for defendant Nos.3 and 4 along with an application U/O 9 Rule 7 of CPC.

Sri. NAC, advocate for plaintiff is present submit that IA Nos.4 and 5 may be allowed on heavy cost.

Heard both parties on IA.Nos.4 and 5. Posted for Orders.

ORDER ON IA.NO.4

Sri. SR, advocate for defendant No.5 has filed an application U/Sec. 151 of CPC along with written statement of defendant No.5 and memo to consider his written statement as objections to IA.No.3.

Sri.NAC., Advocate for plaintiff has submitted that IA may be allowed on cost.

Heard on IA.No.4.

Perused the affidavit annexed to the present application. The suit summons has been served upon the defendant No.5 is on 06.11.2020. The defendant No.5 has filed his written statement beyond 90 days. The defendant No.5 has to give an opportunity to defend the present case by filing his written statement by imposing some cost and in the interest of justice I proceed to pass the following .

ORDER

IA.No.4 filed U/Sec. 151 of CPC by the defendant No.5 is hereby allowed on cost of Rs. 300/-.

Written statement and memo filed by the defendant No.5 are taken on record.

ORDER ON IA.NO.5

Sri. NS, advocate has filed IA.No.5 U/O 9 Rule 7 of CPC along with vakalath for defendant No.3 and 4 with a prayer to set-aside the exparte order passed against defendant No.4 and permit her to contest the matter on merit.

Sri.NAC, advocate for plaintiff is present and submits that IA may be allowed on cost.

Perused the affidavit annexed to the present application and summons report in the present case suit summons served defendant No.4 is on 24.11.2020. The defendant No.4 has to give an opportunity to defend the present case. In view of the submission of plaintiff's counsel I proceed to pass the following :

ORDER

IA.No.5 filed U/O 9 Rule 7 of CPC by the defendant No.4 is hereby allowed on cost of Rs. 100/-.

Since the defendant No.4 has not filed her written statement and objections to IA.No.3 along with petition. As such written statement and objections to IA.No.3 by the deft.No.4 is taken as not filed.

Sri. NS, advocate for defendant Nos.3 and 4 files memo stating that he has no objections to IA.No.3. Hence objections IA.No.3 by the defendant No.3 is taken as not filed and prays time to file written statement.

Heard Sri. NAC, advocate for plaintiff on IA.No.3. Sri.SR, advocate for defendant No.5 prays time to hear

on IA.No.3. As a last chance time
granted.

Call on 10.03.2021.

**Prl. CJ & JMFC.,
Gubbi.**