



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
GUBBI**

Dated this the 10th day of April 2026

:Present:

**Sri. KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge & JMFC, Gubbi**

O.S. No. 539/2023

Decree holder :- Doddanarasaiah

-V/s-

Judgment debtor :- Sannanarasaiah & others

CAUSE TITLE ON IA No.3

Applicant :- Sanna Lakkaiah

(By Sri. S.N.S., Advocate)

-V/s-

Respondents :- Doddanarasaiah

(By Sri. R.S.R., Advocate)

:ORDER ON I.A. No.3:

The defendant No.2 and 3 have filed IA No.3 U/S 151 of CPC praying to permit them to file written statement and also filed their written statement.



02. In the accompanying affidavit, it is stated that the plaintiff has filed suit for declaration. The defendant could not file written statement in time due to unavoidable circumstances, and also he could not meet his counsel in time and to not give instructions to above witness. The delay if any is bonafied one and not an intentional. If the present application is allowed no harm or injury would be caused to other side and on the other hand of the annexed application is not allowed the defendant would be put to great hardship, irreparable loss and injury. On these grounds he prays to allow the application.

03. This application is resisted by the plaintiff by filing objections. It is stated in the objections that the application is not maintainable either in law or on facts. The contents of the affidavits are false and incorrect in material facts. The defendant No.2 and 3 filed this application by swearing false affidavit which is liable to be dismissed. The defendant No.2 and 3 filing the Written statement along with this application after the lapse of two and half years with the malafide intentions to drag on the proceedings. In order to trouble the plaintiff the defendant No.2 and 3 filed this application with malafide intention. On these grounds plaintiff prays to reject the application.



04. Heard arguments and perused the pleadings and materials placed on record.

05. The point that arises for consideration is as follows:

“Whether the application filed by the defendant No. 2 and 3 is deserves to be allowed and what order?”

06. The finding on the above point is in the affirmative for the following;

REASONS

07. The plaintiff has filed the suit against the defendants for the relief of declaration of title and for permanent injunction over the suit schedule property. It is pertinent to note here that the defendant No. 2 and 3 have appeared before the court through their counsel on 12.12.2023. In spite of sufficient opportunity has been given they have not filed their written statement. After lapse of 2 years the defendant No. 2 and 3 filed the present application by praying to permit them to file their written statement on the ground that due to unavoidable circumstances they could not meet their advocate. But it is not a valid ground to file written statement at belated stage. However if the application filed by the defendant



No. 2 and 3 is rejected, it will leads to multiplicity of proceedings and if the application is allowed no hardship will be caused to the plaintiff. Since the written statement is filed after lapse of 2 years, it is required to be accepted by imposing the reasonable cost. Accordingly the point under consideration is answered in the **affirmative** and accordingly this court proceeds to pass the following:

ORDER

I.A No.3 filed by the defendant No.2 and 3 under section 151 of CPC is hereby allowed on cost of Rs.300/-.

Subject to payment the written statement filed by the defendant No.2 and 3 is taken on record.

(Dictated to the stenographer, transcribed by her, corrected and then pronounced in the open Court on this the 10th day of April 2026)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC,
Gubbi.