

KAUK620041172024



IN THE COURT OF THE ADDL CIVIL JUDGE AND JMFC.,

AT HONNAVAR.

-.PRESENT:-

SRI. ANIL JOHN SEQUEIRA
B.B.A., LL.B.,
Addl. Civil Judge & JMFC.,
Honnavar.

Dated this 30th day of January, 2026

O.S. No.170/2024

Plaintiff/s : Kaitan S/o Simprein Lopes.

V/s

Defendant/s : Smt. Meri W/o Duming Lopes and others.

I.A No- II

Plaintiff/s : Smt. Pirmin W/o Sebastian Fernandes.

Applicant/s:

(D-20 By Sri H.U.N., advocate)

V/s

Defendant/s : Kaitan S/o Simprein Lopes.

Opponent/s :

(By Sri C.G., advocate)

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ORDER ON I.A. NO. II

The defendant No.20 have filed I.A. II under Sec.151 of CPC and 5 of Limitation Act, seeking permission to file written statement by condoning the delay and also filed written statement.

02. In the affidavit annexed to the I.A. No. II, it is stated that the plaintiff has filed this suit for the relief of declaration and partition. The defendant No.20 further contended that the siblings of the defendant No.20 are staying in other villages. The defendant No.20 could not take the opinion of them and she had collected the documents from concerned government department and filed the written statement. Therefore, the defendant No.20 was unable to file written statement within time. Therefore, the defendant No.20 has filed the application seeking permission to file written statement by condoning the delay. If the present application is not allowed, the defendant No.20 will be put to great hardship and injury. Hence, sought for allowing the I.A. No. II.

03. The learned counsel for the plaintiff has filed objections. The learned counsel for the plaintiff contended that the court has granted the defendant No.20 enough opportunities to file the written statement. Thereafter, the court has taken the written statement of the defendant No.20 as nil and the case was posted for plaintiff evidence. Thereafter, the plaintiff has led evidence. The case was posted for judgment; at that stage the defendant No.20 has filed I.A. II. The plaintiff further contends that reasons mentioned in the I.As are not satisfactory. The defendant No.20 has filed the application in casual manner. Hence, prays to reject the application.

04. Heard both sides and perused the materials on record.

05. On perusal of the records, it clearly shows that when the case is posted for judgment, the defendant No.20 has come up with this application seeking permission to file written statement by condoning the delay. No doubt this Court has granted sufficient time to file the written statement.

06. The plaintiff has filed the present suit for the relief of declaration and partition against the defendants. Now the defendant No.20 has filed written statement along with application. This court has gone through the citations produced by the learned counsel for the plaintiff.

07. On perusal of the order sheet, it clearly shows that on 24.07.2025, this Court passed an order by stating that the written statement of defendants is taken as Nil. After the lapse of more than 7 months, the defendant No.20 has filed the present application. It is well settled that the widest opportunities should be given to the parties in the trial Court itself to prove their case. The inconvenience caused to the plaintiff can be met out by imposing costs on the defendant No.20. If the present application is not allowed, it will lead to multiplicity of proceedings. Therefore, to avoid multiplicity of proceedings, the application filed by the defendant No.20 deserves to be allowed. Hence, I proceed to pass the following:-

ORDER

The I.A. II filed by the defendant No.20 U/Sec.151 of CPC and Sec.5 of Limitation Act is hereby allowed on cost of Rs.500/-.

The written statement of defendant No.20 is taken
on record subject to payment of costs.

**(Dictated to the stenographer directly on computer, typed by him, corrected
and then pronounced by me in the open court on this 30th day of January
2026).**

SD/-

**Anil John Sequeira
Addl. Civil Judge & J.M.F.C.
Honnavar.**