

OS 79/2022

23.9.2022

ORDER ON I A I

The defendant no 1, 9 and 10 filed I.A I under Order VIII rule 1 R/w S. 151 of CPC seeking to condone the delay caused in filing the written statement in the case.

The copy of the application is served on the counsel for the plaintiff and the counsel for the plaintiff submitted oral objection stating that the application filed by defendants is not tenable and defendants not made out valid grounds for allowing the application. On the said grounds, plaintiff sought to reject the application.

Heard the counsel for defendant no 1, 9 and 10 and plaintiff. Perused the materials placed on record.

In the application, it is stated that defendant no 1 could not be able to furnish necessary information and material documents pertaining to the suit in order to prepare the written statement within time and as such, delay is caused. The explanation provided by defendants appears reasonable and satisfactory. Defendants need to be accorded with opportunity to put forth their contentions in order to ascertain and elucidate the truth in the matter. Further, it will also enable the court to know the real state of affairs and to know the truth in order to arrive at a just and proper

conclusion. Defendants deserve to be accorded opportunity to put forth their case. The defendants deserve to be accorded with opportunity to put forth their contentions which will also assist the court adjudicating the dispute effectively. Thus, there appear valid and genuine grounds made out by defendant no 1, 9 and 10 to allow the application. Hence, this court deems it fit and proper to pass the following

ORDER

The application filed by defendant no 1, 9 and 10 under Order VIII rule 1 R/w S 151 of C.P.C is hereby allowed.

The written statement filed by defendant no 1, 9 and 10 is taken on record.

Sd/-

Prl. CJ & JMFC Kumta