

OS 35/2020

24.2.2022

ORDERS ON I A

The defendant no 1 and 2 filed I.A under Order VIII rule 1 R/w Section 151 of CPC seeking to condone the delay caused in filing the written statement in the case.

The copy of the application has been served on the counsel for the plaintiff and the counsel for the plaintiff orally objected the application contending that the application filed by defendants not tenable and defendants not made out valid and sufficient grounds for allowing the application.

Heard the counsel for defendant no 1 and 2 and plaintiff. Perused the materials placed on record.

It is the contention of the defendants that they were unable to obtain relevant documents and furnish requisite information to their counsel in order to prepare the written statement due to COVID-19 situation. The explanation provided by defendant no 1 and 2 appears reasonable and satisfactory. Defendants need to be accorded with opportunity to put forth their case in order to ascertain and elucidate the truth of the matter. The

suit of the plaintiff is for the relief of declaration and injunction and defendants might have right and interest in the subject matter of suit. 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. The objections raised by plaintiff does not sustain for consideration. The defendants deserve to be accorded with the 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 defendants to allow the application. Hence, this court deems it fit and proper to pass the following

ORDER

The application filed by defendant no 1 and 2 under Order VIII rule 1 R/w S 151 of C.P.C is hereby allowed on cost of Rs 200/-.

The written statement and objection to I A III filed by defendant No 1 and 2 is taken on record.

Sd/-

Pri CJ & JMFC Kumta