

I.A.No.3 filed by defendant No.1 U/O.8 Rule 1 R/W 151 of CPC requesting the Court to permit the defendant No.1 to file written statement condoning the delay in filing the same.

To the above application, the plaintiff's has filed objection and contended that no reasonable grounds made out in the application as well as affidavit. Hence requested to dismiss the application.

Heard on both side.

Perused the records placed before the Court.

In an affidavit filed in support of application it is stated that, since summons was not served on defendant No.4 and 5. he was under the impression that who have time to file written statement and could be filed after the appearance of all the defendants. His counsel had been informing him time and again that he should contact him immediately, the defendant No.1 could not met his counsel and furnished necessary information to file written statement in time. Non filing of written statement in time is not intentional one, same is due to above mentioned bonafide reasons.

Taking in to consideration of reasons as mentioned in affidavit, if application is allowed, no hardship would be caused to other side. On the other hand, in case application is not allowed, it is difficult for the defendant No.1 to contest the case without there-being pleadings on his behalf.

Hence, I proceed to pass the following

ORDER

I.A.No.3 U/O.8 Rule 1 R/W 151 of CPC filed by defendant No.1 is hereby allowed on cost of Rs.500/-.

Written statement of defendant No.1 is taken on record, subject to payment of cost.

Memo filed by defendant No.2 to 5 stating that, these defendants adopted written statement of defendant No.1.

For Issues.

Call on:

Senior Civil Judge & Prl.
JMFC, Sirsi.