

ORDERS ON I.A. No. XV

This is an application filed by defendant no.1 under Sections 148 and 151 of CPC praying to receive additional written statement.

2. In support of the said IA it is averred by defendant no.1 that since he was held up at Bangalore, he could not come to Udupi to give instructions to his advocate. If the the additional written statement is not received he will be deprived of raising a valid defense regarding the amendments filed by the plaintiff. Hence it is prayed to allow the application.

3. Learned counsel for plaintiff has filed his objection by contending that the grounds narrated in the affidavit are not proper and sufficient. Hence, it is prayed to dismiss it.

4. Heard both sides.

5. The records would go to show that on 07.07.2023 this Court had allowed IA.No.XIII and permitted plaintiff to incorporate amendments to the plaint. The present additional written statement is filed in response to the said amendment. The plaintiff has only taken up formal objections to the IA. If the defendant no.1 is not given an opportunity to file his additional written statement, as averred he will be deprived of an opportunity to raise a valid defense. The inconvenience if any caused to the plaintiff can be compensated by imposition

of cost. In the circumstance, this Court deems fit to pass the following:

ORDER

I.A.No.XV filed under Sections 148 and 151 of C.P.C., is hereby allowed with cost of Rs.200/- payable to plaintiff.

Subject to payment of cost, additional written statement is received on record.

Call on for additional Issues if any by : 03.01.2024.

(Vignesh Kumar)
Prl. Sr. Civil Judge and CJM.,
Udupi.