

**Orders on I.A.No.VI**

Defendants filed the I.A.No.VI under Sec.148 and 151 of C.P.C and requested to receive the written statement by condoning the delay.

2. Plaintiff filed the objection.
3. Heard. Perused the papers. Following points are taken to adjudicate the application.

1. Whether defendants have made out an acceptable reasons to allow the application?

2. What Order?

4. Above points are answered as follows:

Point No.1: In the affirmative;

Point No.2: As per final Order

for the following;

### **REASONS**

#### **Point No.1:**

5. At the outset, this suit is instituted by the plaintiffs and requested to declared that, they are the moolagenidars and also the relief of permanent injunction. In the affidavit, defendant No.1 stated that, the documents pertaining to the subject matter were mixed with the other documents in her house. She traced around 100 years documents in respect of suit properties. Due to that

circumstance, she was unable to provide information and documents to prepare the written statement and to file the written statement within time. The delay in filing the written statement is not intentional one. Hence, prayed to consider the application.

6. In the objection plaintiff considered that, the application filed by the defendants is not maintainable either in law or on facts. Plaintiffs denied the reasons assigned by the defendants. Plaintiffs contended that, application is barred by delay. The defendants did not made sufficient reason for not filing the written statement in time. Even adequate opportunity was provided to the defendants, they did not file written statement in time. If the application is considered they will be put to loss. Hence, pray to dismiss the application.

7. The contention of defendants is, the documents which are related to the subject matter are mixed with other documents in their house. They relied around 100 years

documents. Due to that, they did not provide information and documents in time to prepare the written statement. On the other hand, the plaintiffs denied the reasons assigned by the defendants. Even accepted the reason assigned by the defendants, it is not require two years for searching documents in their house. The suit was filed in the year 2021, but the defendants filed the written statement on 07.09.2023. It clearly shows that, the defendants filed the written statement in a belated stage. On the ground of delay only, if refused to received the written statement it will difficult to the defendants to prove their case. Written statement is a fundamental pleadings to the defendants to prove their defense. Such being the case, if permission is refused to file the written statement it may difficult to the defendants to prove their defense. If the application is considered and received the written statement, the plaintiffs will get ample opportunity to cross-examine defendants on the contention taken in the written statement. It will not cause any loss to the defendants. For these reasons, in the

opinion of court, defendants have made out sufficient reasons to consider the application. As such, answered **point No.1 in the affirmative.**

**Point No.2:**

8. In view of the above discussion, pass the following:

**ORDER**

I.A.No.VI filed under Sec.148 and 151 of C.P.C by the defendants is hereby allowed on cost of Rs.1,000/-.

Subject to payment of cost the written statement is taken on record.

For payment of cost and for issues.