

i.	Provision under which the application is filed	Order VII Rule 9 and Section 151 of CPC
ii.	Relief sought for	To grant leave to 1 st defendant to file his additional written statement
iii.	The date on which the application is filed	22-01-2025
iv.	Number of the application	IA No.30
v.	The date on which the objections are filed by different opponents	24-01-2025
vi.	The date on which the orders were passed on the said application.	10-02-2025

ORDERS ON I.A.NO. 30 UNDER ORDER

VIII RULE 9 AND SECTION 151 OF C.P.C.

Application is filed by the 1st defendant seeking permission to file the additional written statement.

In the memo of facts it is stated that I.A.No.15 was allowed and the plaintiff carried out the amendment, but there was no opportunity to this defendant to file the additional written statement, accordingly prays to allow the application.

Per contra counsel for the plaintiff objects that the applicant is trying to introduce a new case by filing the additional written statement and accordingly prays to dismiss the application.

Heard from the counsel for plaintiff and defendant No.1.

The following point arise for my determination.

“Whether the 1st defendant be permitted to file additional written statement?”

My answer to the above point is “in affirmative”, for the following

REASONS

Admittedly the procedure when the amendment is carried out is to provide an opportunity to the opponent to file additional written statement, which was not provided in the instant case. Setting out of new facts

does not arise when the amendment is permitted, of which the opponent has always opportunity to oppose. Consequently if the application is not allowed, the 1st defendant would be put to hardship and inconvenience. Accordingly holding that 1st defendant be permitted to file additional written statement, the above point is answered in affirmative.

In view of the above reasoning, I proceed to pass the following :

ORDER

I.A.No.30 filed by the defendant No.1 under Order VIII Rule 9 and Section 151 of CPC is herewith allowed.

1st defendant is permitted to file his additional written statement.

(SHARMILA C.S.)
Senior Civil Judge & ACJM, Karkala.

