

2-12-2024

P - RR/DAK

D1 to 4, 6, 8 - Ex parte

D5 - BST

D7 - SSA

For Hg on 1A4

for hearing, call on
2/12/24

ef
2/12/24

heard from e/D-7

No representation for him

Prf. do hear from e/Prf

on 1A-4, call on 11/12/24

ef
2/12/24

12-12-2024

For Hg on 1A4 by plst

O/N: Declared as G.H. In view of
Sd demise to Sri. Smt
former C.M. of Karnataka

G/Prf for his written

argt.

for order, reply, call

on 16/12/24

ef
12/12/24

16-12-24

P-RR/AAK
 St to 4, 6, 8 - Expt
 DS-BST.
 DY-ISA
 For agt on SAH

heard from c/D-7
 for order. Call on 7/10/25

21
 16/12/24

7-1-2025

For order on SAH

Order

I.A. No. : H.

filed by : 28/10/24.
 Dy. No. 7.

Provision of law :- U/s 151 of

filed on : 28/10/24,

Objections : 21/11/24.
 filed on.

Order : 7/10/25-

Order on I.A-4

I.A-4 is filed by defendant.
 No. 7 seeking condonation of delay
 in filing of written statement

7th defendant deposes that due
 to employment, he could not
 contact his counsel and provide
 information for filing of written
 statement and prays to allow
 the I.A.

Counsel for Plaintiff objects and
 denies the reasons assigned by the
 7th defendant to condone the delay,
 and prays to dismiss the I.A.

Heard from the Counsel for
the Plaintiff and defendants

Following point arises for
my determination

"Whether there are grounds
made out to London
the delay in filing of the
written statement by
Defendant no 7?"

My answer is in 'affirmative'
for the following

Reasons

This suit was restored as
per the Order in Dispetition 6/21

Where 7th defendant was directed to appear on fixed date. But did not comply with order. Thus the case was posted for Pfy. evidence. by considering Written Statement as not filed. Now the present application along with W/S, after a considerable delay.

This 7th defendant is alleged to be purchase of the property from 5th defendant, who was P.O.A holder of the Plaintiff. ~~Now~~ Though the 7th defendant appeared through the counsel did not contest and now is deliberately committing delay. Thus was heavy argument by the

Counsel for the Plaintiff regarding the order passed by this Court, who though not challenged the order. Also insisted the Court to retain earlier ^{Judgment} order, which has already been discussed in my earlier Order. This is the main objection now by the Counsel for the Plaintiff, who by a detailed written arguments has submitted above points.

It is also further submitted that the 7th defendant on the instigation of evil minded people has now filed I.A. seeking condonation of delay and only to harass the Plaintiff. and could have filed application in F.D.P. and prays to dismiss the I.A.

But the interest of Justice always prevails. The deliberate delay by the 7th defendant can be compensated by imposing nominal costs. Thus the 7th defendant being delayed the purchase of the property has to suffer loss because of the intentional co-ordination between family members after investing huge amount. Thus holding that opportunity be provided to the 7th defendant, above point is answered in affirmative.

For the above reasoning, the following

order

I.A. No 4 filed by 7th defendant is herewith allowed subject to payment of costs.

pt. costs and issues cost

on 10/01/25


21/01/25

