

**Title Suit No. 03/2022**  
CIS No: 01/2022  
CNR-WBDJ08-000404-2022  
JO-WB01512

**Order No. 8 dated 19.11.2022**

Today is fixed for filing of W.S by the defendant no.2 and W.O. if any in the meantime.

Ld. Advocate for the defendant no. 2 files written statement. Let it be kept with the record.

A petition u/o 26 rule 9 r/w S 151 of C.P.C. had been filed by the plaintiff on 22.07.2022.

The copy of the same has been served.

Accordingly, the petition is taken up for hearing.

Heard both sides in full.

Ld. Advocate for the plaintiff files a petition praying for extension of ad-interim injunction on the grounds stated therein. Considering the same, the prayer is allowed.

Ld. Advocate for the defendant no.2 also files a petition u/s 151 of C.P.C. praying for condonation of delay in filing the written statement.

On perusal of the record, it appears that vide order no.6 dated 16.09.2022; the defendant no.2 had appeared before this Court and had prayed for time to file the W.S. and W.O.

Order VIII Rule 1 of the Code of Civil Procedure, 1908 provides for a time limit of a maximum of 120 days for filing written statements after the service of summons is complete. The defendant no.1 has filed the written statement within 62 days which is well within the statutory period. Thus, there arises no question of condonation of delay in this case.

Hence, it is,

**ORDERED**

**That the petition u/s 151 C.P.C. dated 19.11.2022 is rejected.**

To **29.11.2022** for passing order in respect of the petition u/o 26 r.9 r/w Section 151 of C.P.C. and necessary steps by the defendant no.1 namely Philip Lepcha.

**Ad-interim injunction is extended till next date.**

Sd/-  
Civil Judge (Jr. Divn.)  
Kalimpong

Sd/-  
Civil Judge (Jr. Divn.)  
Kalimpong