

8.1.2021

ORDERS ON IA.No.6

The defendant has filed this application under Sec.151 CPC praying to recall the order dtd.5.8.2019 and permit him to file the objection to I.A.No.2 and to contest the matter.

It is contended that on 5.8.2019 the case was posted for filing written statement and objection to IA., due to heavy traffic his counsel could not reach the court in time and the case was adjourned to 18.9.2019. Hence, prayed to allow the application.

The above application is opposed on behalf of plaintiff wherein it is contended that the defendant has failed to establish cogent and sufficient grounds in support of his application. Hence, prayed to dismiss the application.

Perused the entire materials on record. On perusal of the order sheet it discloses that the case was posted to 5.8.2019 for filing the written statement and objection to interim application. Since there was no representation on behalf of the defendant, it was observed that as sufficient time already granted,hence, taken as written statement and objection to IA not filed and adjourned the case to 18.9.2019. On the said date defendant has filed IA.NO.4 & 5 to set aside the order and to reopen the case with two sets of written statement and the case adjourned to 22.10.2019. On the said date defendant filed the present I.A.6. Therefore, being satisfied with the grounds urged by the defendant, it is just and proper to allow the application. Hence, I proceed to pass the following:

ORDER

I.A.No.6 Under Sec.151 CPC filed by the defendant is hereby allowed. The objection filed by the defendant to IA.No.2 is taken on record.

[Dictated to the Judgment Writer directly on computer, computerised and print out taken by him, corrected and then pronounced by me in open court, this day the 8th day of January, 2021].

(SADANANDA NAGAPPA NAIK)
XVIII Addl.City Civil Judge,
Bengaluru.