

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION;
BHUBANESWAR**

C.S. No. 548 / 2022

In the matter of;

Balamani Pradhan & Others

.....Plaintiff

Vs

Managobinda @Mana Jay Singh & Others

.....Defendants

An application U/s.5 of the Limitation Act for condonation of delay for filing written statement read with U/s. 151 CPC accept of written statement in the aforesaid case.

The Humble petition of the respondent in the proceeding.

MOST RESPECTFULLY SHEWETH:

1. That the Defendant No.36 file this application U/s.5 of the Limitation Act for condonation of delay for filing written statement read with U/s. 151 CPC accept of written statement. The defendant No. 37 filed his written statement on beyond prescribed period of time. The delay of filing written statement was not intentional but due to absent of defendant No.36 to sign the written statement and due to his official works outside the state. The preclude to accept written statemen debarred

the respondent to participate in the proceedings and thereby he will be prejudiced.

2. That the defendant No.36 purchased the subsequent purchaser who was purchased the property recorded owner having title and share over the scheduled property. The defendant has not hidden anything before this Hon'ble Court. It is a fact that there was every chance of success in the case, so delay was caused to file written statement is not deliberate.
3. That the Defendant No.36 filed written statement which was beyond the specified period. Now the defendant No.36 filing proper written statement and prays before this Hon'ble Court to accept the same condoning the delay of filing the same.
4. That filing written statement beyond prescribed period was not intentional but to unavoidable circumstances of filing written statement.

P R A Y E R

It is therefore prayed by the Defendant No.36 that this Hon'ble Court may graciously be pleased to allow this application condoned the delay of filing written statement and accept the written statement for just decision of the case otherwise the defendant No.36 will be highly prejudiced.

And for this act of kindness the defendants shall duty bound ever pray.

Bhubaneswar

by the defendant No. 37 through

Date: 27.07.2024

Advocate

AFFIDAVIT

I, Gagan Bihari Mohanty, aged about 63 years, S/O-Late Kartika Chandra Mohanty, At/PO/PS- Sahadev Khunta, Dist- Baleswar, do hereby solemnly affirm state as follows:

1. That I am the Defendant No.36 in this case.
2. That the facts stated above are correct and true to the best of my knowledge.

Bhubaneswar

Date:

Deponent