

**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

**WRITTEN STATEMENT FILE ON BEHALF OF DEFENDANT NO-
36**

The defendant No.37 states as follows:-

1. That the plaintiff filed aforesaid suit for Partition of the suit scheduled property.
2. That the suit is not maintainable in law as well as in its present form as also on facts.
3. That the suit is barred by the principles acquiescence and estoppel.
4. That the proceeding is vitiate as no cause of action arises to bring this proceeding.
5. That the suit is misconceived and suppression of facts so can not be entertained by the learned court.
6. That the suit is speculative, harassing and for the purpose of squeezing money the suit has been falsely instituted by claiming partition of the property.
7. That the suit is bad for mis-joinder of necessary parties.

8. That the plaintiffs have got no right or locus standi to claim possession and partition.
9. That save and except what are specifically admitted in this written statement, these defendant No.36 emphatically denies the allegations made in the plaint and put the plaintiff to the strict proof thereof.
10. That the defendant No.36 purchased the land Ac. 0.48 dec from B.K. Singh vide RSD No. 11131301162 dated 16.01.2013 by giving considered amount to his vendor. The same B.K. Singh on 06.04.2011 purchased the land Ac. 0.60 dec from Kalikesh Narayan Singhdeo. Kalikesh Narayan Singhdeo got the property from Gaggan Bihari Swain and Gagan Bihari Swain purchased the land from Bhaskar who has right and title over the suit land.
11. That the present defendant after verification of title of the B.K. Singh purchased the land and at that time no notice was served to the defendant No.36 regarding pending of cases. As the entire transaction has been approved by the authority regarding title of the first vendor and subsequent vendees also have title, the defendant No.37 purchased the same.
12. That the defendant No.36 has been possession over the property since 2013 when he purchased the land vide RSD No. 11131301162 of Area 0.48 dec and has constructed building over the same. Being earlier transactions before purchased by the defendant No.36 are duly approved by the concerned Sub-registrar the defendant NO.36 purchased the

land. The defendant No.36 has no knowledge about the pendency of the present suit at the time of purchase.

13. That the suit is not maintainable against the present defendant being barred by limitation as the defendant No. 36 purchased the land on 2013 and construction of building over the land completed on 2016. Since then six years passed and the suit is barred by limitation.
14. That the defendant No.36 reserves right to counter claim of possession over the suit property and title as per registered sale deed. Also the defendant reserves right to raise other grounds at the time of hearing.
15. That in the circumstances the plaintiffs suit is liable to be dismissed with costs of these defendant No.36 is entitled to retain scheduled properties according to law.

VERIFICATION

I, Gagan Bihari Mohanty, aged about 63 years, S/O-Late Kartika Chandra Mohanty, At/PO/PS- Sahadev Khunta, Dist- Baleswar, do hereby verify that the contents from paras 1 to 15 are correct and true to the best of my knowledge and the rest of the contents are based on legal advice, which I believe to be true. Affirmed at Bhubaneswar this 27th Day of July 2024.

(Signature)

Defendant No.37

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

**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 hide 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