

ORDER ON IA-I

1. IA-I is filed U/Sec. 151 of CPC by the respondent No.2 seeking permission to file written statement by setting aside order dated 16-4-2019 in the interest of equity.
2. IA-I is accompanied with memo of facts of the counsel Sri PDG for respondent No.2 wherein it is stated that due to delay in receiving report from the private investigation, he could not file written statement within statutory period. Hence prayed to allow the application.
3. On the contrary counsel for petitioner submitted no objections to IA-I.
4. I have heard both the counsels, perused the records and IA-I.

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5. Admittedly on perusal of records, it is seen that notice was duly served upon the respondent No.2 prior to 7-2-2019, though on the said date respondent No 2 appeared before the court through his counsel, but did not file written statement withing statutory period of 30 days from the date of service of summons. When case is proceeded further, respondent No 2 came up with present application. However, in the interest of equity and in order to give opportunity, I am of the opinion, IA-I is to be allowed on costs so as to compensate the delay caused in the proceedings. In the result, I pass the following;

ORDER

IA-I filed U/Sec. 151 of CPC by the respondent No.2 is allowed on cost of Rs.200/-

Accordingly written statement of the respondent No 2 is taken on record.

Senior Civil Judge & JMFC
Basavakalyan