

The Hon'ble Sri Justice Raghvendra Singh Chauhan

Civil Revision Petition No.7579 of 2018

Order:

The petitioners- plaintiffs have challenged the legality of Order, dated 15-11-2018, in IA.No.1008 of 2018 in OS.No.371 of 2015, whereby the learned III Additional Chief Judge, City Civil Court, Hyderabad, has allowed the respondents -defendants to file the written statement by 10-12-2018, subject to payment of costs of Rs.300/-.

The learned Counsel for the petitioners submits that although the suit was filed in 2015, claiming damages from the respondents, and although two years have gone by, the respondents did not file their written statement. Therefore, by Order, dated 20.03.2017, the learned trial Court had suppressed their right to file the written statement. Subsequently, the respondents filed an application under Order IX Rule 7 read with Section 151 C.P.C., for permitting them to file their written statement.

According to the learned Counsel for the petitioners, *firstly*, the permission should not have been granted, as there was an inordinate delay of three years in filing the written statement.

Secondly, the reasons given by the respondents were not supported by any documentary evidence. Therefore, the learned trial Court should not have believed the respondents.

Lastly, even the costs imposed by the learned trial Court are too little, for having harassed the petitioners to continue with the suit.

On the other hand, the learned Counsel for the respondents pleads that due to a series of mishaps, the respondents could not file the written statement within a reasonable time.

Secondly, the respondents could not be deprived of their valuable right to file their written statement and to defend their case. Therefore, the learned Counsel has supported the impugned order.

Although it is true that a written statement has to be filed within the time stipulated by the CPC, simultaneously, it is equally true that every litigant should have the feeling that justice has been done by giving him an opportunity of being heard. Though the respondents cannot be permitted to take the Court out for a ride, but in case, sufficient cause is shown by them for the delay in submitting the written statement, the delay can certainly be condoned by imposing costs upon them.

Therefore, while upholding the impugned order, dated 15.11.2018, this Court directs the respondents-defendants to pay a sum of Rs.5,000/- towards costs to the petitioners- plaintiffs. On payment of such costs, the written statement shall be taken on record.

With these directions, this Civil Revision Petition stands disposed of.

Consequently, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, J)

Dt: 26th December, 2018
lur

