



FACULTY OF JURIDICAL SCIENCES

Name of the faculty- Ms. Neha Khanna
Subject Name- Drafting, Pleading and conveyancing

COURSE NAME- LLB, III Sem

SUBJECT CODE-LLB-303

LECTURE EIGHT

“9. Subsequent pleadings.— No pleading subsequent to the **written statement** of a defendant other than by way of defence to set off or counterclaim be presented except by the leave of the Court and upon such terms as the Court thinks fit, but the Court may at any time require a **written statement** or **additional written statement** or **additional written statement** from any of the parties and fix a time of not more than thirty days for presenting the same.”

In pursuance to the amended Rule 9 of the Order 8, the Court was given power under extraordinary and in rare circumstances to require at any time written statement or additional written statement to be filed in a case within the outer limit of 30 days to be fixed by the Court. The only difference between the old Code and the new Code as far as Order 8, Rule 9 is concerned, is that in old Code it was the discretion of the Court to fix the time for presenting the written statement, nonetheless, in the new code there is a fixed period of 30 days for presenting written statement or additional statement. Hence, after amendment, the Court may permit the filing of the written statement or an additional written statement from any of the parties, but the Court must have to fix an outer limit for presenting the statement which should not be less than 30 days. Moreover, the power under Order 8, Rule 9 is to be used only in exceptional cases and for reasons recorded in writing and cannot be exercised by the defendant as a matter of right. Such exercise of discretion must be judicial and not capricious and such right must be keeping with the spirit of the amended Code.

MCQs

i. Which order under CPC define written statement?

- a.order 6 b. order 5 c. order 8 d.order 7

i.by whom written statement is filed?

- a.plaintiff b. defendant c. both of them d. none of above

iii.Order 7 deals with?

- a.written statement b. plaint c. plaintiff d. none of the above

iv. Order 8 deals with?

a. written statement
above

b. plaint

c. plaintiff

d. none of the

v. No pleading subsequent to the **written statement** of a defendant other than by way of defence to set off or counterclaim be presented except by the.....

a. leave of the court
above

b. permission of the court

c. both of above

d. none of