

A.No.4389 of 2016 in
C.S. No.127 of 2005

PUSHPA SATHYANARAYANA, J.

This application is filed to file the reply statement to the counter claim made by the defendant.

2.It is seen that counter claim was served on the plaintiff on 16.07.2007 and the reply to the counter claim ought to have been filed within a period of two weeks from the date of service on the plaintiff's counsel. However, there is a delay of 2990 days in filing the reply to the counter claim.

3.The contention of the applicant is that the counter claim itself is barred by limitation under Section 120 of the Major Port Trusts Act 1963 and therefore, if the delay is not condoned and the reply statement is not accepted, it would be prejudiced to the interest of the applicant.

4.Learned counsel for the respondent vehemently opposing the delay in filing the reply statement, as the delay is inordinate.

5.Considering the fact that the counter claim itself is otherwise barred and accepting the reasons stated in para 3 of the affidavit, this Court is inclined to allow this application by condoning the delay and receiving the written statement

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on reasonable terms. Accordingly, the delay is condoned and the reply statement is taken on file subject to the condition that the applicant pays a sum of Rs.3,000/- to the respondent within a period of four weeks from the date of receipt of a copy of this order.

02.09.2016

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