

A.No.5357 of 2016
in
C.S.No.747 of 2001

M.SUNDAR.J.,

Mr.K.Vasanthakumar, learned counsel for the plaintiff is present. None represents 2nd defendant/2nd respondent. This application is for condoning the delay of 861 days in filing the application to restore the suit. Mr.R.Gunasekaran learned counsel for the defendants 3 to 5 who are the respondents 3 to 5 in this application, filed counter refuting the averments regarding the merits of the matter made in this delay condone application, particularly with regard to possession of the property. It is made clear that all the averments made with regard to the merits of the main suit in this application are ignored and would not be taken into account for further proceedings. Only those averments touching upon the reasons of the delay in filing the restoration application are taken notice of. Even on that, learned counsel for defendants 3 to 5 submitted that sufficient reasons have not been shown. From a perusal of the affidavit and the counter this Court is convinced that the delay can be condoned. Delay is condoned and the applicant has to bring up the restoration application. Call on 22.11.2016.

07.11.2016

dpq

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