

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.No.99 of 2016
and
CMP.No.6387 of 2016

M/s.MGK Trading House,
rep. by its Managing Partner Mrs.Geetha,
Carrying bussiness at
New No.45, Old No.30,
Panchaliamman Koil Street,
Arumbakkam,
Chennai-600 106. ... Appellant

vs

1.M/s.Orissa Stevedores Limited,
No.4, (Old No.19) Second Floor,
Narayanappan Street,
Mannady,
Chennai-600 001.
2.M/s.Sea Star Shipping and Trading Inc.,
No.4, Narayanappan Street,
First Floor,
Back Side Customs House,
Chennai-600 001. ... Respondents

Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order made in A.No.7073 of 2015 in C.S.No.121 of 2005, dated 19.01.2016 on the file of this Court.

A.NO.7073/2015: Application praying that this Hon'ble Court be pleased to Condone the delay of 3819 days caused in filing the reply statement and counter claim.

For Appellant .. Mr.R.Manickavel

For Respondents .. Mr.S.Vasudevan

* * * * *

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The learned Single Judge has been more than considerate in permitting response to the counter claim to be taken on record after a delay of 3819 days, subject to deposit of the amount of the counter claim in Court as a condition for condonation of such an inordinate delay. Such delay cannot be explained away as mere mistake in the office of the then counsel.

2. We may also note that it is not as if the amount is so large that it would cause some great difficulty to the appellant, as the counter claim is of Rs.6,69,060/- and that too has been brought into the Court to be deposited, to earn interest. Even the interest on this amount has not been called upon to be deposited. We may note that the suit is of the year 2005 and has been pending for eleven years.

3. We are not inclined to interfere with the discretionary orders passed by the learned Single Judge.

4. The appeal is dismissed. No costs. Consequently, CMP.No.6387 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1 cc to M/s.R.Manickavel Advocate sr.23249
+1 cc to M/s.S.vasudevan Advocate sr.22228

O.S.A.No.99 of 2016

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