

Application No.2848 of 2017
in C.S.No.163 of 2010

C.V.KARTHIKEYAN J,

This application has been filed to condone the delay of 2479 days in filing the written statement by the defendants 3 and 5 in the suit.

2. The learned counsel for the respondent/plaintiff stated that the other defendants had actually settled the issues. But however, the present applicants, namely, the third and fifth defendants are objecting for grant of any relief to the plaintiff. In the reasons stated to condone the delay, it had been stated that there was an earlier suit in O.S.No.467 of 2009, which was transferred and re-numbered as Tr.C.S.No.247 of 2012 on the file of the Sub Court, Tambaram and there were also other suits in C.No.163 of 2010 and C.S.No.971 of 2007 before this Court. It had also been stated that though the other defendants had entered into a settlement on an earlier occasion and costs of Rs.2,000/- had also been paid when the suit was listed in undefended board. Since the defendants are contesting the case of the plaintiff, it is only just and necessary that the pleadings should be complete.

3. Heard the learned counsel for the plaintiff and defendants 3 and 5 also. The learned counsel for the plaintiff stated that the matter should be posted for framing of issues and the trial could be conducted in a time bound manner. It is also stated by both the learned counsel for the respondent and the applicants that they would abide by any time schedule that may be fixed by this Court.

3. With such observation, this application is allowed. The written statement of D3 and D5 is taken on file.

4. Call the matter on 05.07.2017 for framing the issues.

03.07.2017

srn

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