

A.No.6729 of 2016
in C.S.No.195 of 2011

N.Sathish Kumar, J.,

This application has been filed to condone the delay of 1939 days in filing the written statement.

2. The learned counsel appearing for the applicant has contended that the delay has been due to the bona fide mistake and the same is neither wilful nor deliberate and an opportunity may be given to defend his case, otherwise there will be a miscarriage of justice.

3. There is no representation for the respondents.

4. Having regard to the allegations found in the affidavit and also considering the submissions of the learned counsel of the applicant, this Court is of the view that as the suit itself is for claiming damages, opportunity has to be given to the defendant to file written statement. Hence, for effective adjudication, this Court is inclined to condone the delay in filing the written statement, subject to the payment of costs of Rs.5,000/- (Rupees five thousand only) towards the Chief Justice Relief Fund on or before 12.01.2017. For compliance call on 18.01.2017.

02.01.2017

pvs

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