

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 6th DAY OF JULY, 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.4124 of 2018

in

C.S.No.929 of 2016

C.S.No.929 of 2016:

Ms.K.Kaveri,
W/o.Mr.T.Karuppusamy,
No.108, AJ Block,
9th Main Road,
2nd Street,
Anna Nagar,
Chennai - 600 040.

...Plaintiff

Vs.

Ms.Maheswari Prince Andrew,
W/o.Mr.Prince Andrew,
No.1, 1st Cross Street,
R.V.Nagar,
Anna Nagar East,
Chennai - 600 102.

..Defendant

A. No.4124 of 2018:

Ms.Maheswari Prince Andrew,
W/o.Mr.Prince Andrew,
No.1, 1st Cross Street,
R.V.Nagar,
Anna Nagar East,
Chennai - 600 102.

..Applicant.

Vs.

Ms.K.Kaveri,
W/o.Mr.T.Karuppusamy,
No.108, AJ Block,
9th Main Road,
2nd Street,
Anna Nagar,
Chennai - 600 040.

..Respondent.

Application praying that this Hon'ble Court be pleased to condone the delay of 304 days in filing the Written Statement along with counter claim.

This Application coming on this day before this Court for hearing, the Court made the following order:-

This application has been filed to condone the delay of 304 days in filing the written statement along with counter claim.

2.No representation for the respondent. She has not filed any counter.

3.This application has been filed by the tenant to condone the delay of 304 days in filing the written statement. This suit itself is filed for recovery of a sum of Rs.64,89,600/- and further interest at the rate of 24% per annum on Rs.33,80,000/-.

4.It appears from the pleadings that there were rent control proceedings between the parties which culminated in filing CRP (NPD) No.4256 of 2014 and CRP (NPD) No.4257 of

2014. While passing orders in the above proceedings, this Court had directed the defendant to pay the entire arrears of rent directly to the plaintiff on or before 28.11.2014 besides directing the defendant to pay the contractual rent of Rs.1,30,000/- per month regularly. It is also seen that the cheque issued by the defendant has been dishonoured on the ground that the payment was stopped by the account holder.

5.The only ground raised in the condonation of delay application is that though summons were served as early as 11.03.2017, the applicant could not file a counter, as the bank documents pertaining to the loan availed by her and the sale deed executed by the plaintiff in favour of the third party has received only on a later date.

6.On a perusal of the entire application, I do not find any substantial cause for condonation of huge delay of 304 days in filing the written statement except stating that the documents are obtained later. No doubt the words "sufficient cause" has to be given liberal approach, to give such liberal approach there must be some materials either in the form of affidavit or by way of documents.

affidavit. The applicant has merely filed the application to condone the delay in a casual manner. Hence, Such application cannot be entertained.

8. Admittedly, the defendant has already violated the orders of this Court which have been passed in CRP (NPD) No.4256 of 2014 and CRP (NPD) No.4257 of 2014. Hence, such being the position, the casual applications cannot be entertained to condone the delay of 304 days, in fact, such order would give undue advantage to the parties who intending to protract the proceedings endlessly. I do not find any materials to condone the delay of 304 days. Hence, this application is dismissed.

Sd./-N.S.K.J
06.07.2018

//Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 13/08/2019

COURT OFFICER(O.S.)

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