

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 27TH DAY OF APRIL 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.8129 of 2017

in

C.S.No.194 of 2015

Mrs.S.Pramila

W/o Mr.Sundaravadivelu,

MIG No.203, Second Street,

Mogappair Eri Scheme,

Chennai 600 037

.. Plaintiff

Vs.

1.Mr.K.Bala Venkatesh

S/o Late R.Kannappan

No.5/1, 3rd Street,

Thiruvalluvar Nagar,

Kottur,

Chennai 600 085

2.Mr.B.Vetrivelar,

S/o K.Bala Venkatesh,

No.5/1, 3rd Street,

Thiruvalluvar Nagar,

Kottur,

Chennai 600 085

.. Defendants

A.No.8129 of 2017 :

1.Mr.K.Bala Venkatesh

S/o Late R.Kannappan

No.5/1, 3rd Street,

Thiruvalluvar Nagar,

Kottur,

Chennai 600 085

2.Mr.B.Vetrivelar,
 S/o K.Bala Venkatesh,
 No.5/1, 3rd Street,
 Thiruvalluvar Nagar,
 Kottur,
 Chennai 600 085

..Applicants/Defendants

Vs.

Mrs.S.Pramila
 W/o Mr.Sundaravadivelu,
 MIG No.203, Second Street,
 Mogappair Eri Scheme,
 Chennai 600 037

..Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased to condone the delay of 900 days in filing written statements defendants in the above suit.

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 900 days in filing the written statement by the defendants in the suit.

2.The only allegation in the application is to the effect that though the defendants received the summon on 20.04.2015, they could not file the written statement since there was a delay in collecting some documents from the Registrar Office.

3.Perused the counter. Though in the normal course, liberal approach can be extended towards the condonation of delay for advancing substantial justice, the parties, cannot, as a matter of right, seek condonation of delay in every matter. To extend such liberal approach, there must be some plausible and acceptable explanations in the affidavit filed for the condonation of delay.

4.Though it is averred by the applicants that they have received the summons only on 20.04.2015, there was a delay in obtaining certain documents from the Registrar Office only for the preparation of the written statement.

5.On a perusal of the written statement filed along with this application, no documents whatsoever referred in documents filed, which are said to have been obtained from the registrar office.

6.Hence, I am of the view that the applicants having received the summons and slept over all these days cannot seek condonation of delay without any acceptable explanation.

7.In the result, this application is dismissed.

Sd/.N.S.K.J

27.04.2018

//Certified to be a true copy//

Dated this the day of 2018.

TR/31.05.2018

COURT OFFICER(O.S)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.