

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 02ND DAY OF MARCH 2018

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.8338 of 2017

in

C.S.No.670 of 1997

GIC Housing Finance Limited
Rep.by its Senior Vice President
No. 1 & 2, Mayor Ramanathan Road,
Chetpet, Chennai 600 031. ...Applicant/Plaintiff

Vs

1. Crescent Housing (P) Ltd.,
Rep.by its Director
Sharath Kakamanu,
No.89, Santhome High Road,
Raja Annamalaipuram
Chennai 600 028.

2. Sharath Kakamanu
No.89, Santhome High Road,
Raja Annamalaipuram
Chennai 600 028.

3. N.Bhagwandas
No.89, Santhome High Road,
Raja Annamalaipuram
Chennai 600 028.

...Respondents/Defendants

Application praying that this Hon'ble Court be pleased to Condone the delay of 1625 days in filing the reply statement to the amended written statement and counter claim admit the reply statement.

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

This application has been filed seeking to condone the delay of 1625 days in filing the reply statement.

2. According to the applicant, the suit is of the year 1997, there were several grounds of dialogues for making amicable settlement of this suit itself. Certain cheques were issued by the defendants in full and final settlement of the claim of the plaintiff. Those cheques were dishonoured which resulted in proceedings under Section 138 and this Court had also intervened and directed the parties to settle the matter. Even before me this application was repeatedly adjourned to enable the parties to settle the dispute amicably.

3. These attempts of settlement and the fact that the counsel for the plaintiff was under bonafide belief that the reply statement has already been filed had lead to the delay in filing the reply statement.

4. However, Mr.G.R.Lakshmanan, learned counsel appearing for the respondents would vehemently oppose this application contending that the written statement with counter claim was filed as early as on 08.01.1999. The delay if calculated would be more than 6000 days and not 1625 days. At the same time Mr.G.R.Lakshmanan would also

admit that there were attempts to settle the matter between the parties amicably. Even now, according to him there is possibility of settlement between the parties.

5. Considering the nature of the suit as well as the nature of the counter claim, I do not see any prejudice that would be caused to the defendants if the reply statement is taken on file. The delay may be more than 6000 days as claimed by Mr.G.R.Lakshmanan or 1625 days as claimed by the applicant, it is not the length of the delay that matters, what that matters is the explanation that is offered for the delay.

6. From the affidavit filed in support of the application, I find bonafide reasons have been assigned for the delay in filing the reply statement. The reasons assigned are also partially admitted by the respondents.

7. Hence, the delay in filing the reply statement is condoned, however, subject to a condition that the applicant pays a sum of Rs.25,000/- (Rupees Twenty five thousand only) as cost to the respondents on or before 26.03.2018.

8. Post the matter for compliance on 27.03.2018.

Sd./-R.S.M.J
02/03/2018

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

JJ 17/07/2018

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