

Application No.6071 of 2018
in
C.S.No.615 of 2013

M.SUNDAR.J.,

Instant application has been taken out by first defendant in the suit with a prayer to condone 1781 days delay in filing written statement.

2. The reasons explaining the delay have been articulated in Paragraphs 3 and 4 of the affidavit filed in support of the instant application, which reads as follows:

'3. I state that the plaintiff herein had already initiated similar proceedings against the first defendant before the Hon'ble Delhi High Court and was defended by the first defendant. I state that the suit summon in the above suit was served on the first defendant on 26.04.2013. In the meantime, the first defendant had to contest the suit before the Delhi High Court as stated supra. This defendant had also resisted the interim injunction application of the plaintiff viz., O.A.No.682 of 2013 filed in the above suit which culminated in an order dated 28.11.2013 where under the ex parte order of injunction granted to the plaintiff was vacated on an undertaking given by the first defendant.

4. I state that though the first defendant's written statement in the above suit was prepared, it took some time for it to be approved. Since several other urgent legal issues had to be sorted out by the first defendant, the finalization of the

written statement of this defendant could not be done immediately. Hence the delay was caused in filing the written statement. The written statement is being filed along with this application.'

3. Learned counsel for respondents submits that he has no serious objection or opposition to the prayer for condonation of delay, but submits that it would be appropriate to put the first defendant on terms considering the length of delay.

4. Having perused the affidavit filed in support of the instant application, having heard counsel of applicant and having been satisfied that the delay deserved to be condoned, the delay of 1781 days in filing written statement is condoned subject to payment of Rs.5,000/- (Rupees Five Thousand only) to Blue Cross of India, No.72, Velachery Road, Guindy, Chennai -32 on or before 03.01.2020. If the condition is not complied, this application will stand dismissed without further reference to this Court.

List the suit on 06.01.2020.

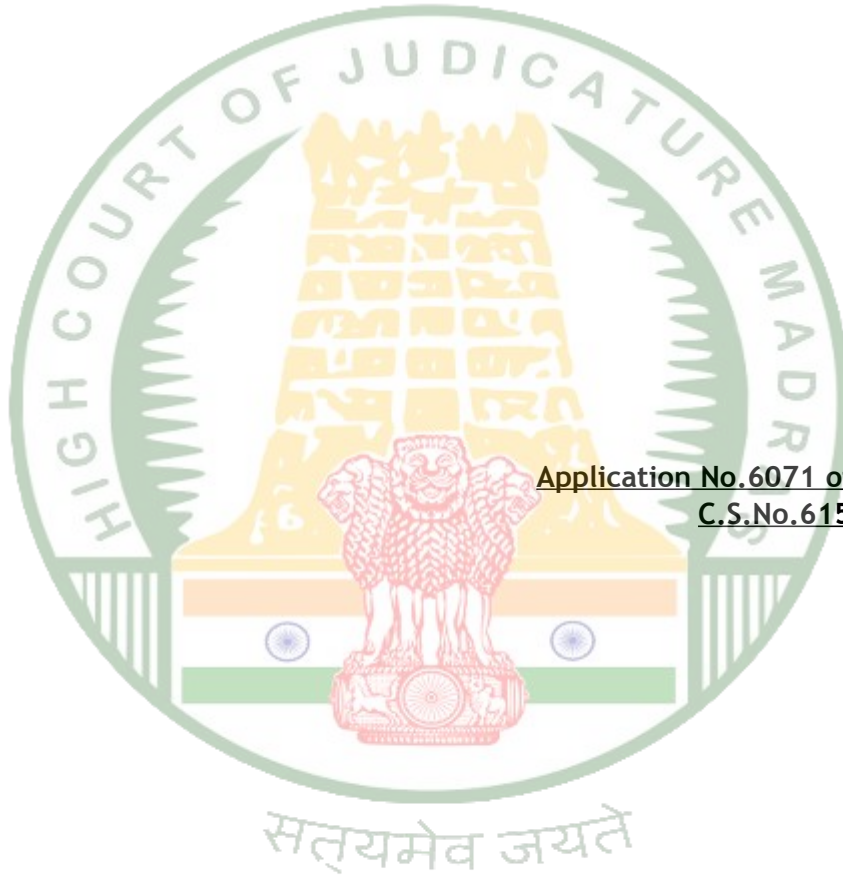
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