

A.No. 5056 of 2019
in
C.S.No. 179 of 2016

R.SUBRAMANIAN, J.

This application has been filed seeking condonation of delay of 1128 days in filing the written statement.

2. The suit is one for partition and separate possession of the properties and for permanent injunction. The reasons for the delay as set out in the affidavit is that the matter was referred to mediation and the same was pending for mediation for quite a long time. The written statement was not filed on the bonafide belief that mediation fructify. Unfortunately, the mediation is failed and thus the delay has occurred.

3. Considering the reasons supra and the fact that the suit is one for partition, I am of the considered opinion that the defendant should be given a fair chance to defend the suit. Hence, the delay is condoned subject to condition that the applicant pays a sum of Rs.10,000/- as costs to the Tamilnadu Advocate Clerk's Association on or before 09.08.2019. Post for compliance on 13.08.2019.

30.07.2019

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