

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

A.No.992 of 2020
in
T.O.S.No.10 of 2011

G.Jayakumar

... Applicant

Vs.

1.A.S.Manikanan

2.G.Dilip Kumar (Deceased)

3.G.Senthil Kumar (Deceased)

4.A.Bhuvaneswari

5.D.Geetha

... Respondents

Prayer: Judges summons filed under Order XIV Rule 8 of the Original Side Rules read with Order V Rule 5 of the CPC praying to condone the delay of 3030 days in filing the written statement of defendant 1 in the

above T.O.S.No.10 of 2011 in O.P.No.394 of 2010 and receive the same on file.

For Applicant : Mr.B.R.Sankara Lingam

For Respondents : Mr.Dasaratha Rao

ORDER

The above application is filed for condoning the delay of 3030 days in filing written statement. The records would reveal that 1st and 2nd defendants have filed their written statement in Diary No.41173/2011 on 13.12.2011 and in Diary No.41613/2014 on 21.11.2014. The said written statements were returned. It appears that the learned counsel has not re-presented the said written statements.

2. The present learned counsel has come by way of change of Vakalat. He has filed a fresh written statement along with the counter claim seeking a partition of the suit schedule properties besides seeking other reliefs. The application for condonation of delay has also been filed along with the written statement.

3. The learned counsel for the plaintiff has vehemently opposed the same stating that sufficient reasons had not been given for condoning the delay.

4. Heard both the learned counsels.

5. Sufficient reasons have been given in the affidavit filed in support of the application for condoning the delay. Considering the above but however taking note of the enormous delay, the application is allowed on condition that a sum of Rs.7,500/- to be paid to the learned counsel appearing for the plaintiff. The said amount shall be paid on or before 21.08.2020.

6. Post the matter on 24.08.2020.

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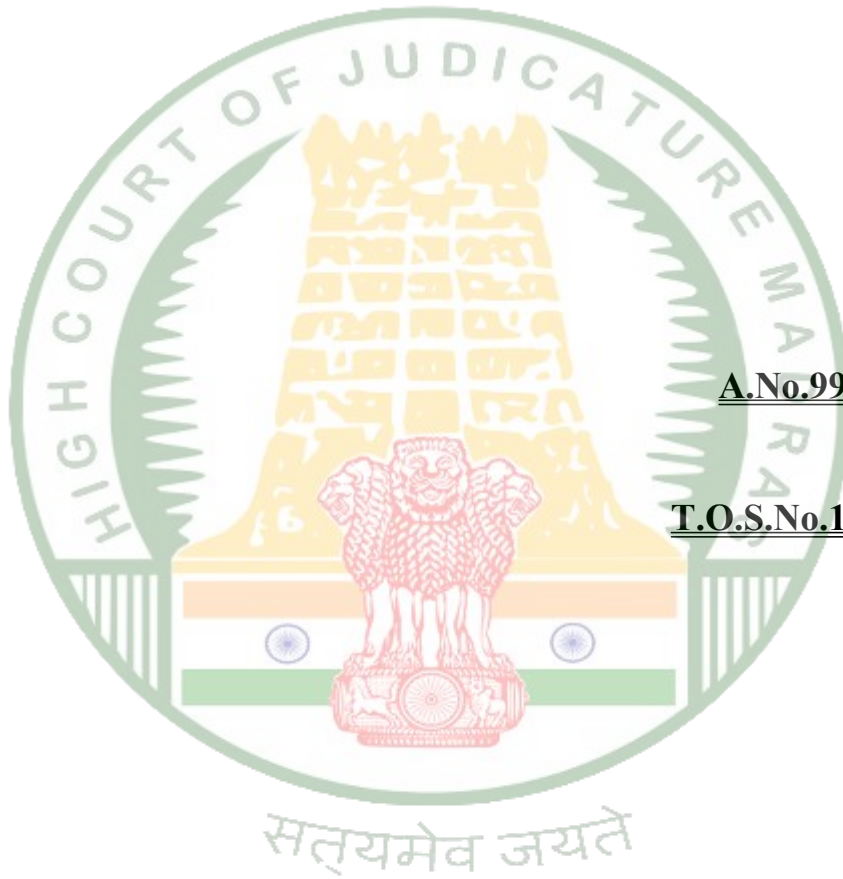
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