

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A. Nos..1852, 1851, 1850, and 1853 of 2020
in
C.S.No.497 of 2019

M/s.SALMA EXPORT IMPORT AGENCY
Rep.by its Managng Partner Mr.Abdul Basith,
New.No.334, Old No.142,
Purasawalkam High Road,
Kellys, Chennai-600 010 ..Plaintiff

-Vs-

1. M/s.EASTERN CHROME TANNING CORPORATION
PRIVATE LIMITED,
Represented by its Directors
Third Floor,
Mashkur, Krishnamma Road,
Nungambakkam Road, Chennai- 600 034.

2.Mrs.THADEY MOHAMADI BEGUM
Director, Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road, Chennai-600 006

3. KANDRIKAR EHSAN AHMED
Managng Director,
Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road, Chennai-600 006

4. Mr.KANDRIKAR AMEENUR REHMAN
Director, Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road, Chennai-600 006

5.Mr. KANDRIKAR SHAHID MANSOOR

Director, Eastern Chrome Tanning
Corporation Private Limited,
No.2A, Anderson Road, Chennai-600 006

6.Mrs. K.THASEEN FATHEEMA

Wholetime Director, Eastern Chrome Tanning
Corporation Private Limited,
No.44, Barnaby Road, Kilpauk, Chennai-600 010

7. K.LUBMA MARYAM

Director, Eastern Chrome Tanning
Corporation Private Limited,
3, Anderson Road, Nungambakkam, Chennai-600 006 ..Defendants

A.No.1852 of 2020:

1.Mrs.THADEY MOHAMADI BEGUM

Director, Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road, Chennai-600 006 ..Applicant/2nd Defendant

-Vs-
सत्यमेव जयते

1 .M/s.SALMA EXPORT IMPORT AGENCY

Rep.by its Managing Partner Mr.Abdul Basith,
New.No.334, Old No.142,
Purasawalkam High Road,
Kellys, Chennai-600 010 ..1st Respondent/Plaintiff

2. M/s.EASTERN CHROME TANNING CORPORATION
PRIVATE LIMITED,

Represented by its Directors
Third Floor,
Mashkur, Krishnamma Road,
Nungambakkam Road,
Chennai- 600 034.

..2nd Respondent/1st Defendant

3. Mr.KANDRIKAR EHSAN AHMED

Managing Director,
Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road,
Chennai-600 006

..3rd Respondent/3rd Defendant

4. Mr.KANDRIKAR AMEENUR REHMAN

Director, Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road,
Chennai-600 006

..4th Respondent/4th Defendant

5.Mr. KANDRIKAR SHAHID MANSOOR

Director, Eastern Chrome Tanning
Corporation Private Limited,
No.2A, Anderson Road,
Chennai-600 006

..5th Respondent/5th Defendant

6.Mrs. K.THASEEN FATHEEMA

Wholtime Director, Eastern Chrome Tanning
Corporation Private Limited,
No.44, Barnaby Road, Kilpauk,
Chennai-600 010

..6th Respondent/6th Defendant

7. K.LUBMA MARYAM

Director, Eastern Chrome Tanning
Corporation Private Limited,
3, Anderson Road, Nungambakkam,
Chennai-600 006

..7th Respondent/7th Defendant

A.No.1852 of 2020:

Application praying that this Hon'ble Court be pleased to
condone the delay of 89 days in filing the Written Statement of 2nd
Defendant in C.S.No.497 of 2019.

A.Nos.1850, 1851 AND 1853 of 2020:

1. M/s.EASTERN CHROME TANNING CORPORATION
PRIVATE LIMITED,

Represented by its Directors

Third Floor,

Mashkur, Krishnamma Road,

Nungambakkam Road,

Chennai- 600 034.

..1st Applicant/1st Defendant
in A.Nos.1850,1851 & 1853/2020

2. Mr.KANDRIKAR EHSAN AHMED

Managing Director,

Eastern Chrome Tanning

Corporation Private Limited,

5/3, Anderson Road,

Chennai-600 006

..2nd Applicant/3rd Defendant
in A.Nos.1850,1851 & 1853/2020

3.Mr. KANDRIKAR SHAHID MANSOOR

Director,Eastern Chrome Tanning

Corporation Private Limited,

No.2A, Anderson Road,

Chennai-600 006

..3rd Applicant/5th Defendant
in A.Nos.1850,1851 & 1853/2020

4.Mrs. K.THASEEN FATHEEMA

Wholtime Director, Eastern Chrome Tanning

Corporation Private Limited,

No.44, Barnaby Road, Kilpauk,

Chennai-600 010

..4th Applicant/6th Defendant
in A.Nos.1850,1851 & 1853/2020

5. K.LUBMA MARYAM

Director, Eastern Chrome Tanning

Corporation Private Limited,

3, Anderson Road, Nungambakkam,

Chennai-600 006

..5th Applicant/7th Defendant
in A.Nos.1850,1851 & 1853/2020

1 .M/s.SALMA EXPORT IMPORT AGENCY
Rep.by its Managing Partner Mr.Abdul Basith,
New.No.334, Old No.142,
Purasawalkam High Road,
Kellys, Chennai-600 010

..1st Respondent/Plaintiff
in A.Nos.1850,1851 & 1853/2020

2.Mrs.THADEY MOHAMADI BEGUM
Director, Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road,
Chennai-600 006

..2nd Respondent/2nd Defendant
in A.Nos.1850,1851 & 1853/2020

3. Mr.KANDRIKAR AMEENUR REHMAN
Director, Eastern Chrome Tanning
Corporation Private Limited,
5/3, Anderson Road,
Chennai-600 006

..3rd Respondent/4th Defendant
in A.Nos.1850,1851 & 1853/2020

A.No.1850 of 2020:

Application praying that this Hon'ble Court be pleased to
condone the delay of 77 days in filing the Written Statements of 5th
Defendant in C.S.No.497 of 2019.

A.No.1851 of 2020:

Application praying that this Hon'ble Court be pleased to
condone the delay of 89 days in filing the Adoption Memo of the 3rd
Defendant in C.S.No.497 of 2019.

A.No.1853 of 2020:

Application praying that this Hon'ble Court be pleased to condone the delay of 64 days in filing the Written Statement of 6th Defendant in C.S.No.497 of 2019.

These Applications are coming on this day before this court for hearing the court made the following order:

These 4 applications have been filed by the second, third, fifth and sixth defendants seeking to condone the delay of 89 days in filing written statement by the second defendant to condone delay of 89 days in filing memo to adopt the written statement filed by the fifth defendant, to condone delay of 77 days in filing written statement by the fifth defendant and to condone delay of 64 days in filing written statement by the sixth defendant.

2. In the affidavit filed in support of A.No.1852 of 2020, the second defendant had stated that in view of the furnishing of wrong address, appearance could not be entered and instructions could not be given to prepare the written statement. It is also stated that the applicant is a senior citizen and not directly involved in the affairs of the first defendant.

3. In I.A.No.1851 of 2020, it is stated that there is a delay of 89 days in filing the written statement on behalf of the second defendant. In the affidavit filed in support of the said application, it had been stated that the adoption memo which has been signed was mixed up the other case papers in the office of the counsel and was discovered only after through thorough search. It had been stated that there was a delay in filing the said memo adopting the written statement of the fifth defendant.

4. In the affidavit filed in support of A.No.1850 of 2020, the fifth defendant has stated that though the written statement was prepared and was signed, it was inadvertently mixed up in other case bundles by the counsel. It was stated that the deponent was under the impression that the written statement had been filed. However, thereafter, the written statement was discovered only after a thorough search. It is stated that in view of these facts, there has been a delay of 77 days in filing the written statement.

5. In the affidavit filed in support of the A.No.1853 of 2020, the sixth defendant had stated that the applicant was served with the suit summons on 11.10.2019. It was stated that the vakalath was signed and also filed in Court. Thereafter, the documents had to be examined and instructions had to be given to prepare the written statement. Though the written statement was prepared, it was mixed up in other case papers in the

office of the counsel and thereafter, the written statement was located and it was filed in Court.

6. Heard the learned counsel for the respondent/plaintiff.

7. The learned counsel stated that though counter has not been filed, the reasons stated are specifically denied by the respondent/plaintiff.

8. At any rate, in view of the fact that it would only be in the interest of the parties that issues raised in the plaint are determined on merits and since the written statement had been fixed within the extended period of 90 days. I hold that the delay can be condoned. If the plaintiff makes out a case of decreeing the suit after trial, the delay in filing these written statements would also be added to the costs if ordered by the Court and the plaintiff may reserve right to file bill of costs including the costs of delay in filing the written statement.

9. With these observations, the applications are allowed. The written statements/adoption memo are taken on file.

Sd/.C.V.K.J.
21.09.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/23.09.2020

COURT OFFICER(O.S.)

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