

A.No.2327 of 2020

in

C.S.No.585 of 2019

C.V.KARTHIKEYAN J,

This Application has been filed by the Defendant seeking to condone the delay of 53 days in filing the written statement.

2.It is stated in the affidavit filed in support of the said Application, that certain documents had to be procured and thereafter, instructions had to be given to prepare the written statement. It had been stated that in the said process, there has been a delay. It had been stated that the delay is neither wilful nor wanton.

3.The written statement has also been filed. Along with the written statement, the Defendant also filed three documents.

4.Heard, the learned counsel for the Plaintiff.

5.It would be appropriate for both the Plaintiff and the Defendant, if the averments made in the plaint are decided on merits.

C.V.KARTHIKEYAN J,

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6. Viewed from that angle and also the fact that documents have actually been filed along with the written statement and it had been stated that there was a delay in procuring those documents, I hold that the delay can be condoned. However, if the Plaintiff makes out a case for grant of costs at the time of final judgment, then the delay in filing the written statement would also be considered along with the costs, if any imposed at the time of Judgment.

7. With the above observations, this Application is allowed.

8. Written statement of the Defendant is taken on file. List the matter under the caption for filing an affidavit regarding Admission / Denial of Documents on 17.12.2020.

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11.11.2020

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