

Application.No.2732 of 2020
in C.S.No.872 of 2015

N. SATHISH KUMAR, J.

This application has been filed to condone the delay of 1726 days in filing the written statement in C.S.No.872 of 2015.

2. It is the contention of the applicant/first defendant that though there is a delay occurred in filing the written statement, he has not come to the court in order to avoid degrading his father's name in the judicial proceeding, who was the retired Chief Judge of Small Causes Court.

3. The learned counsel for the applicant/first defendant submitted that the plaintiff and the other defendants have let their evidence and hence one more chance has to be given to the applicant to give his evidence and to cross examine the PW1.

4. Though the reasons assigned in the affidavit is not convincing the court, having regard to the nature of the suit which is filed for partition and the submission made by the counsel for the applicant, this petition is ordered and the delay of 1726 days in filing the written statement is condoned. The Written statement filed by the first defendant is ordered to be taken on file.

5. Post the matter on 04.12.2020 before the Master court for cross examination of PW1 and the same shall be completed on or before 07.12.2020. If the first defendant failed to cross examine the PW1 within the stipulated time, he could lose his chance.

6. Evidence on the side of the first defendant shall be commenced on 07.12.2020 and shall be completed on or before 11.12.2020.

7. After completion of recording evidence, post the matter
before this court for arguments.

20.11.2020

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