

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 21ST DAY OF FEBRUARY 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.9289 of 2019

in

C.S.No.97 of 2019

Mrs.Cauvery Sriram,
W/o.Sriram,
No.6/11, Kamaraj Road,
Sri Venkatesh Nagar,
Virugambakkam, Chennai-600 092. ... Plaintiff

-Versus-

1. Mrs.R.Sumathi,
W/o.late Rathinam @ Murthi,
2. Mr.R.Elizarasan,
S/o.Late Rathinam @ Murthi,
both residing at No.6,
Kambar Street, Navaneethan Flats,
Shri Venkatesh Nagar, Virugambakkam,
Chennai-600 092.
3. Mrs.R.Archana Rathinam,
W/o.M.Vivek,
4, Majestic Park,
Saligramam, Chennai-600 093. ... Defendants

A.No.9289 of 2019:

-Versus-

1. Mrs.R.Sumathi,
W/o.late Rathinam

2. Mr.R.Elizarasan,
S/o.Late Rathnam
both residing at No.6,
Kambar Street, Navaneethan Flats,
Shri Venkatesh Nagar, Virugambakkam,
Chennai-600 092.

..Applicants

-vs-

Mrs.Cauvery Sriram,
W/o.Sriram,
No.6/11, Kamaraj Road,
Sri Venkatesh Nagar,
Virugambakkam, Chennai-600 092.

... Respondent

Application praying that this Hon'ble Court be pleased to condone the delay of 146 days in filing the Written Statement for 1st and 2nd Defendants in C.S.NO.97/2019.

This Application coming on this day before this court for hearing the court made the following order:

This Application is filed to condone the delay of 146 days in filing the written statement for the defendants 1 to 2 in the suit.

2. I heard the learned counsel for the respondent/plaintiff.

3. The learned counsel for the Respondent submitted that the Applicants have not provided a proper explanation for the delay and that, therefore, this Application is liable to be dismissed.

4. I examined the affidavit filed in support of the Application and considered the submissions of the learned counsel for the Respondent.

5. In the application, the Applicants have stated that on account of the death of the first Applicant's husband and on account of the marriage of the Daughter, they were unable to provide instructions to the counsel for filing the written statement.

6. Upon considering the said statements in the affidavit, I find that the Applicants have made out sufficient reasons to condone the delay in filing the written statement.

7. Accordingly, this Application is allowed by condoning the delay of 146 days in filing written statement for the defendants 1 to 2 in the said Suit.

8. I find that the 3rd defendant has not filed the written statement.

9. List the matter under the caption 'undefended board' on 28.02.2020.

Sd/.S.K.R.J.
21.02.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/26.02.2020

COURT OFFICER

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