

A.Nos.2573 and 2574 of 2020
in
C.S.No.491 of 2007

M. SATHYANARAYANAN, J.
and
N. KIRUBAKARAN, J.

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

(Through Video Conferencing)

Heard the submissions of Mr.Karthik Seshadri, learned counsel appearing for the applicants and the learned counsel appearing for the respondents 1 and 2/plaintiffs.

2.Learned counsel appearing for the applicants would submit that, in the light of the reasons assigned in Para No.3 of the affidavits filed in support of these applications, delay had caused, and in the light of the same, it cannot be construed neither willful nor wanton, and would further add that the applicant, being the 9th defendant, is also having merits as to his defence to be projected in the form of written statement and prays for condonation of delay in representation of the written statement.

3.Per contra, the learned counsel appearing for the respondents 1 and 2 would submit that, though applications have been filed for condonation of delay in representation of the written statement, in the absence of any plausible and sufficient reasons, such a huge delay in representation cannot be condoned, and prays for dismissal of these applications.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it.

5.This Court, taking into consideration the rival submissions and the facts and circumstances, is of the considered view that the delay in representation of the written statement has been explained. Therefore, these applications are ordered and the delay is condoned. Registry is directed to number the applications numbered as Diary Nos.33602 and 33603 of 2016, if the papers are otherwise in order, and list the same for hearing along with the main suit, on the next hearing date.

6.Registry is directed to remove A.No.1350 of 2020 from the cause list, as the suit in which the said application has been filed, has already been dismissed.

(M.S.N., J.) (N.K.K., J.)
29.01.2021

Note:

1. Registry is directed to upload a copy of this order in the official website of High Court of Madras.
2. Parties are at liberty to apply for certified copy of this order on payment of necessary charges.

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