

A.No.3732 of 2021
in C.S No.642 of 2019

DR.G.JAYACHANDRAN, J.

The first defendant has taken out this application to condone the delay in filing the written statement.

2. According to the affidavit filed by the first defendant, the plaint was amended as per the order dated 22.09.2020 and only after seeing the paper publication, came to know about the pendency of the suit and suit summon was served on the first defendant only on 29.06.2021. The written statement filed on 24th August with the delay of 27 days, which was due to the delay in collecting all necessary documents and papers to prepare the statement.

3. The plaintiff has filed counter stating that the first defendant in collusion with the second defendant was evading service of suit summons though aware of the suit much prior to the paper publication. Further, the plaintiff has taken strong objection to the averments made in the written statement and seeks leave to take out application to strike out those frivolous and vexatious allegation.

DR.G.JAYACHANDRAN, J.

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4.Considering the averments made in the application as well as in the counter affidavit, this Court condone the delay in filing the written statement. The written statement will be taken on file on payment of costs of **Rs.5000/- (Rupees Five Thousand only)** to the plaintiff on or before 10.11.2021. On such compliance, the written statement will be taken on file.

Call the matter on **12.11.2021**.

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20.10.2021
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