

A.Nos.3287 & 3288 of 2020
and C.S.No.397 of 2016

R.PONGIAPPAN, J.

These applications have been filed by the 1st and 2nd Defendants, to condone the delay of 1516 and 1337 days respectively, in filing their written statements.

2. Counter has not been filed in these applications. Perused the applications. The suit is filed for the relief of partition and separate possession.

3. Therefore, I am of the view that to advance substantial justice, sufficient opportunity has to be given to the defendants to defend the suit.

4. Having regard to the nature of the allegations found in the affidavits with regard to the delay, I am inclined to condone the delay in both the applications. **Accordingly, both the applications are allowed.**

5. Further, the 2nd defendant has filed a memo to adopt the written statement filed by the 1st defendant. The said memo is recorded and the written statement is taken on file.

6. The registry is directed to list the matter on 09.02.2021, for framing issues. Draft issues by either parties, by then.

06.01.2021

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