



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 09TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.3179 of 2021

in

C.S.No.335 of 2011

RM AR.Senthilnathan,  
Plot No:104,  
Swami Vivekanandha Nagar,  
Sambakulam,  
Madurai – 7.

... Plaintiff

-Versus-

1.RM.AR. Arunachalam,  
S/o RM.AR AR RM.AR.Arunachalam Chettiar

2.RM.AR. Ramanathan  
S/o RM.AR AR RM.AR.Arunachalam Chettiar  
Defendants 1 & 2 are residing at  
Door No:6 & 7, Sathiratharar Street,  
Devakottai, Sivaganagai District.

3.RM.AR.Lakshmanan,  
S/o RM.AR.AR RM.AR.Arunachalam Chettiar,  
Door No:91/2, Vinayaga Nagar,  
Katcheri Road, Mylapore,  
Chennai – 4.

4.Preetha Rathnam Muthanna,  
Wife of Ashok Muthanna,  
No.5, New Beach Road,  
Thiruvanmiyur, Chennai – 41.



5.KGEYESS Residency (P) Limited,  
Represented by its Managing Director,  
P.V.Shanmugam,  
'SRUSHTISSHAL' New No:10, 2<sup>nd</sup> Cross Street,  
Raja Anna Malai Puram, Chennai – 600 028.

... Defendants

**A.No.3179 of 2021:-**

RM.AR.Lakshmanan,  
S/o RM.AR.AR RM.AR.Arunachalam Chettiar,  
Door No.91/2, Vinayaga Nagar,  
Katcheri Road, Mylapore, Chennai – 4. ... Applicant/3<sup>rd</sup> Defendant

-Versus-

1.RM AR.Senthilnathan,  
Plot No:104, Swami Vivekanandha Nagar,  
Sambakulam,  
Madurai – 7. ... Respondent/Plaintiff

2.RM.AR. Arunachalam,  
S/o RM.AR AR RM.AR.Arunachalam Chettiar

3.RM.AR. Ramanathan  
S/o RM.AR AR RM.AR.Arunachalam Chettiar  
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5.KGEYESS Residency (P) Limited,  
Rep. by its Managing Director,  
P.V.Shanmugam,  
'SRUSHTISSHAL' New No:10, 2<sup>nd</sup> Cross Street,  
Raja Anna Malai Puram, Chennai – 600 028. ... Respondents/  
Defendants 1,2,4 &5



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Application praying that this Hon'ble Court be pleased to condone the delay of 3680 days in filing the written statement by the 3<sup>rd</sup> Defendant.

This Application coming on this day before this Court for hearing in the presence of M/s.AL.Ganthimathi, Advocate for the applicant herein, and Mr.K.S.Kumar, Advocate for the 1<sup>st</sup> respondent herein, and Mr.S.Siva Sangarane, Advocate for the 4<sup>th</sup> respondent herein, and upon reading the Judges summons and the Affidavit of RM.AR.Lakshmanan filed herein, **it is ordered as follows:**

That the applicant/3<sup>rd</sup> defendant herein shall pay a sum of Rs.36,000/- (Rupees Thirty Six Thousands only) out of which to pay Rs.25,000/- (Rupees Twenty Five Thousand only) as cost to the Plaintiff herein and the balance Rs.11,000/- (Rupees Eleven Thousand only) as cost to Adyar Cancer Institute, Chennai, within 15 days from 13.09.2021 to comply with this order.

2. That on subject to the condition as mentioned in Clause (I) Supra, the delay of 3680 days in filing the written statement by the



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3. That in default of paying the aforesaid amount within time as mentioned in clause (I) supra, the application shall stand dismissed automatically.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE  
09<sup>th</sup> DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the     day of     2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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13.09.2021

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A.No.3179 of 2021  
in  
C.S.No.335 of 2011

ORDER

DATED: 09.09.2021

THE HON'BLE MR.JUSTICE  
N.SESHASAYEE

FOR APPROVAL: 13.09.2021

APPROVED ON : 13.09.2021

**Copy to:-**

The Adyar Cancer Institute (WIA),  
East Canal Bank Road,  
Adyar, Chennai.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 09TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

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... Plaintiff

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Wife of Ashok Muthanna,  
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... Defendants

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Raja Anna Malai Puram, Chennai – 600 028. ... Respondents/  
Defendants 1,2,4 &5

Application praying that this Hon'ble Court be pleased to condone the delay of 3680 days in filing the written statement by the 3<sup>rd</sup> Defendant.

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

This application is filed by the third defendant to condone the delay of 3680 days in filing the written statement.

2.This Court is satisfied with the reasons stated in the affidavit filed in support of this application and heard Mr.K.S.Kumar, learned counsel for the plaintiff.

3. This Court prompts upon the attitude of the 3<sup>rd</sup> defendant in ignoring his responsibility to file the written statement and since it has now been filed, it is only important that the Court moves to the next stage. However, the inconvenience the third defendant has caused to the plaintiff and also to the Court cannot go uncompensated. Therefore, this Court chooses to allow this application on payment of cost of Rs.36,000/- (Rupees Thirty Six Thousand only), of which, the plaintiff shall be paid Rs.25,000/- (Rupees Twenty Five Thousand only) and the balance Rs.11,000/- is directed to be paid to Adayar Cancer Institute, Chennai.

This Court grants 15 days time from 13.09.2021 to comply with this order, lest the application will stand dismissed automatically.



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4. For this purpose, the Registry is directed to accept the webcopy of this order.

Sd./-N.S.S.J.  
09.09.2021

//Certified to be true copy//

Dated at Madras this the      day of      2019.

COURT OFFICER(O.S.)

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