



A.No.715 of 2022

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P.VELMURUGAN,J.

A.No.715 of 2022 in

C.S.No.454 of 2018

This application has been filed by the defendants to condone the delay of 887 days in filing the written statement in C.S.No.454 of 2018.

2. The applicants are the defendants and they did not file the written statement in time and now they have filed the application to condone the delay of 887 days in filing the writing statement.

3. The learned counsel for the applicants would submit that the 1st applicant/defendant is aged about 81 years and he is living in abroad with his daughter and due to travel restrictions, he was incapacitated from actively participating in the proceedings and therefore the delay has occurred.

4. The suit is for partition and the defendants have not filed their written statement in time. Even though, the reasons stated in the accompanying affidavit of this application is satisfied, it is an inordinate delay



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and therefore the inconvenience caused to the respondent/plaintiff has to be compensated by way of cost. Therefore, the application is allowed on payment of cost of Rs.1 lakhs (Rupees One Lakh Only).

3. The applicants/defendants are directed to deposit a sum of Rs.1 lakh (Rupees One Lakh Only) before the Registry to the credit of C.S.No.454 of 2018 on or before 16.03.2022 and on such deposit, the Registry is directed to take the written statement on file, if it is otherwise in order, failing which, the application shall stand dismissed automatically without any further reference to this Court.

4. List on 17.03.2022 “for reporting compliance”.

28.02.2022

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Note: Issue order copy on 01.03.2022



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