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A.No.672 of 2021
and
C.S.No.121 of 2014

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Dr.G.JAYACHANDRAN,J.
&
C.V.KARTHIKEYAN, J.

This application is to enlarge time to file written statement.

2.The facts as found in the application is that the applicant/the Official Assignee was substituted in the place of the insolvent by an order dated 08.09.2014. Suit summon was served on him on 13.01.2015. As per the Original Side Rules of High Court of Madras, the written statement ought to have been filed within a period of 45 days i.e. on or before 28.02.2015. However, in this case, the Official Assignee has chosen to file the written statement only on 25.01.2021. Since the Registry has returned the written statement for filing without application to condone the delay, the Official Assignee has now come before this Court by way of filing the application to condone the delay of 2205 days.



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3.The suit is filed by one Arumugam for money decree or in alternate to sell the suit schedule property in lieu of payment of the principal, interest and costs. Before the suit could be numbered, the second defendant-Arjunlal Sunderdas was declared as insolvent in adjudication in I.P.No.25 of 2014, vide order dated 21.04.2014, which has enable the Official Assignee to be substituted in the place of insolvent Arjunlal Sunderdas. Meanwhile, certain other proceedings have taken place in connection with insolvency proceedings and citing those reasons for delay, this application is filed to condone the delay and accept the written statement filed earlier. Like all other applications to condone delay filed in recent time, the pandemic situation is also cited as one of the reasons for the delay.

4. This Court, on considering the nature of the dispute and the interest of the creditors involved in this matter as well as claim of the plaintiff/1st respondent in this case, is of the view that the delay has to be condoned for full and complete the adjudication by allowing the Official



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Assignee to properly represent the estate of the insolvent. Hence, this application is allowed. Written statement is taken on file.

Post the case on 12.07.2022 for framing issues.

(Dr.G.J.J.) (C.V.K.J.)

05.07.2022

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