



A.No.3082 of 2022

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C.V.KARTHIKEYAN,J.

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On an earlier date, an application No.1726 of 2022 had been filed seeking to condone the delay of 157 days in filing application to set aside the ex-parte Judgment and Decree. Along with the application, written statement had also been filed.

2. That application came up for consideration on 20.04.2022 and a direction was issued to deposit costs of Rs.1/- lakh to the credit of the suit.

3. It is represented that the said direction had been complied with.

4. Thereafter, application No.2010 of 2022 was taken up and since the delay of 157 days was condoned consequent to the deposit of costs of Rs.1/- lakh the Judgment and Decree was also set aside by an order dated 21.06.2022.

5. The present application is to condone the delay of 1062 days in filing the written statement.

6. The written statement had been filed earlier along with the applications to condone the delay in setting aside the ex-parte decree and to set aside the ex-parte decree.



A.No.3082 of 2022

C.V.KARTHIKEYAN,J.,

ssi

7. Those two applications were considered only because the written statement was filed.

8. In so far as the delay is concerned, in the affidavit it is stated that the applicant is a chronic patient suffering from Acid Peptic Disease and was undergoing treatment for more than a year and thereafter, owing to Covid-19 Panthemic, the counsels could also not be instructed.

9. At any rate, since the Judgment and decree had been set aside and the reasons on medical grounds are advanced and it is only be appropriate that the defendants are permitted to substantiate the averments made in the written statement, the delay stands condoned. The written statement to be taken on file by the Court.

02.11.2022
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A.No.3082 of 2022