



WEB COPY



Application Nos.4765 & 4766 of 2022
in T.O.S. Nos.36 & 37 of 2016
and C.S.No.675 of 2016

G.CHANDRASEKHARAN, J.

Application No.4765 of 2022 is filed to condone the delay of 2091 days in filing written statement of D-4 and adoption memo filed by D-3, D-5 and D-6 for adopting D-4 written statement in T.O.S.No.36 of 2016.

2. Application No.4766 of 2022 is filed to condone the delay of 2091 days in filing written statement of D-4 and adoption memo filed by D-3, D-5 and D-6 for adopting D-4 written statement in T.O.S.No.37 of 2016.

3. Learned counsel for the applicants submitted that the *ex parte* order was passed against the applicants were allowed on payment of costs of Rs.5,000/- on 12.09.2022. Subsequently, these applications are filed for condoning the delay in filing the written statement.

4. Learned counsel for the first respondent / plaintiff strongly opposed these applications on the ground that the applicants were watching from the sidelines and nearly after 6 years have come up with these applications for condoning the delay of 2091 days. He further submitted that



P.W.1's evidence was pending for cross examination and at that stage these applications are filed.

5. Considering the fact that these suits are of the year 2016 and that the trial had commenced and this Court finds that the applicants / defendants 3, 4, 5 and 6 should be given an opportunity to defend their case despite the fact that these applications have been filed long after they entered appearance in the suits. Thus this Court is inclined to allow these applications only on payment of costs. Therefore, these applications are allowed, subject to payment of costs of Rs.2,500/- each on these applications to the first respondent / plaintiff, failing payment, these applications will stand automatically dismissed, without any further reference to the Court.

6. Registry is directed to send these matters back to the learned concerned Master for continuation of P.W.1's evidence on 17.11.2022, after ensuring the payment of costs.

31.10.2022



Application Nos.4765 & 4766 of
in T.O.S. Nos.36 & 37 of
and C.S.No.675 of





WEB COPY

Application Nos.4765 & 4766 of 2022
in T.O.S. Nos.36 & 37 of 2016
and C.S.No.675 of 2016



G.CHANDRASEKHARAN, J.

sri

Application Nos.4765 & 4766 of 2022
in T.O.S. Nos.36 & 37 of 2016
and C.S.No.675 of 2016

31.10.2022