



A.No.4904 of 2022

WEB COPY

A.No.4904 of 2022
in
C.S.No.472 of 2009
G. CHANDRASEKHARAN, J.

Application No.4904 of 2022 is filed to condone the delay of 4600 days in filing the written statement in the suit.

2. The learned counsel for the respondent/plaintiff opposed this application, on the ground that there is a huge delay in filing this application.

3. It is seen from the records that Application No.3866 of 2022 filed to set aside the ex-parte order was allowed. This case is pending for examination of PW's on the side of the plaintiff after completion of evidence of PW1.

4. In view of allowing of the ex-parte order set aside application, this Court is of the considered view that the applicant should be given an opportunity to file written statement to defend his case. Therefore, considering the long delay of 4600 days in filing the written statement, this Court is inclined to allow this application, on condition that the applicant shall pay a sum of Rs.5000/- (Rupees Five Thousand Only) to the plaintiff/respondent. Failing payment, this application stands automatically dismissed without any further order of this Court.



WEB COPY



A.No.4904 of 2022

G. CHANDRASEKHARAN, J.

gd

5. Since the examination of PW1 is already over and in view of permitting defendants to file written statement, the plaintiff is permitted to file additional proof affidavit, if any, and the applicant/defendant is given an opportunity to cross examine PW1. If necessary, other defendants may also cross examine PW1 on the additional proof affidavit filed. After cross examination of PW1, further witnesses on the side of the plaintiff and on the side of the defendants shall be examined.

6. Registry is directed to send this matter to the concerned Master Court.

7. Post the matter after two weeks.

09.11.2022

gd

A.No.4904 of 2022
in
C.S.No.472 of 2009