



A.Nos.4064 & 4579 of 2022
in
C.S.No.198 of 2019

WEB COPY

C.V.KARTHIKEYAN, J.

Application No.4064/2022 has been filed by the 1st and 3rd defendants seeking to condone the delay of 1222 days in filing the written statement on behalf of the 1st and 2nd defendants.

2. Application No.4579/2022 has been filed by the 3rd defendant to condone the delay of 1247 days in filing the written statement on behalf of the 3rd defendant.

3. In the affidavit filed in support of the application No.4064/2022, it had been stated that archives had to be received and checked from the channel. It had also been stated that during the pandemic, very few staff came for work and therefore, there was a delay in checking the archives.

4. In the affidavit filed in support of the application No.4579/2022, it had been stated that the written statement could not be filed in time and the relevant journals, magazines and digital materials had to be collected to prepare the written statement. The reason of Covid-19 pandemic is also stated.

5. In view of the reasons stated and after hearing the learned counsel for the plaintiff and holding that it would only be appropriate that in an adversarial litigation the parties are permitted to state their facts and,



WEB COPY

A.Nos.4064 & 4579 of 2



C.V.KARTHIKEYAN, J.

ssi

that opportunity should be given and should not be unduly denied, I would condone the delay and take on record the written statements filed by the 1st, 2nd and 3rd defendants. Both the applications are allowed.

6. However, it must also be pointed out that the suit had been filed seeking damages and the delay has protracted trial, I would permit the written statement to be taken on record but with costs of Rs.5,000/- [Rupees Five Thousand Only] to be paid by each one of the three petitioners directly to the Cancer Institute at Adyar. The proof thereof should be produced.

7. The said payment to be effected on or before 25.11.2022.

8. List the matter again on 28.11.2022.

17.11.2022

ssi

A.Nos.4064 & 4579 of 2022
in C.S.No.198 of 2019