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A.No.4099 of 2022
in
C.S.No.675 of 2005
(Comm. Suit)

M.SUNDAR, J.,

This order will now dispose of the captioned application which has been taken out by defendants 9 to 11 in the main suit.

2. In these proceedings, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Prayer in captioned application is 'condonation of delay' ['COD']. To be noted, COD sought is qua delay of 12 days in filing written statement of defendants 9 to 11.

4. From the case file, it comes to light that defendants 9 and 11 have been served on 07.07.2022 and learned counsel for defendants 9 to 11 submits that 10th defendant has been served on 30.07.2022. However, 12 days was computed taking 07.07.2022 as date of service of suit summons qua all 3 defendants is learned counsel's say. In any event, it is within 120 days from the date of service of suit summons and therefore, COD prayer can be considered.



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M.SUNDAR, J.,

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5. Adverting to support affidavit, learned counsel for defendants submits that some logistic issues (as captured in paragraph Nos.4 & 5 of support affidavit) have caused the delay. It may not be necessary to delve into the same as learned counsel for plaintiff very fairly submits that COD prayer is not being opposed by plaintiff. This submission is recorded.

6. Therefore, captioned application is ordered as prayed for. Registry to take written statement of defendants 9 to 11 on file if otherwise in order.

31.10.2022

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