



WEB COPY



A.Nos. 4860 & 4861 of 2022
in
C.S.No. 95 of 2022

C.V.KARTHIKEYAN, J.

Application No. 4860 of 2022, is filed seeking to condone the delay of 75 days in filing the written statement by the first defendant.

2. Application No 4861 of 2022 is filed to condone the delay of 70 days in filing the adoption memo to adopt the written statement of the first defendant, by the second to fifth defendants.

3. In the affidavit filed, it had been stated though the plaintiff had filed documents along with the plaint, there were several documents which had not been filed. Those documents have been collected and now filed along with the written statement. It has been stated that certain facts have to be stated and in giving instructions, there has been a delay. Accordingly, it is prayed that the delay should be condoned.

4. A counter had been filed by the respondent/plaintiff wherein he had disputed all these reasons given for the delay. It had been stated that



WEB COPY

additional documents which are now filed are electronic mails exchange between the parties. It is stated that the new facts which have been stated are facts which had already been stated in the reply notice.

5. Heard the learned counsels.

6. The suit had been filed seeking compensation for alleged illegal termination. To establish the termination not only should the plaintiff be heard, but more importantly, the version of the defendant should also be heard, to determine whether such termination is in accordance with the rules governing the contract between the parties or was in violation thereof. In view of that particular fact, I will condone the delay and take the written statement filed by the first defendant and the adoption memo of the second to fifth defendants on record.

7. It is stated by the learned counsel that necessary costs should be imposed. The suit is filed for compensation of Rs. One Crore. If during the course of trial, the plaintiff is able to establish by the delay of 75 days and 70 days respectively, he had been put to much loss, then necessary



WEB COURT

evidence can be let in by the plaintiff and at the time of delivery of the final judgment, the costs which he had suffered for these 75 days and 70 days will be determined and imposed.

8. With these observations, the applications stand allowed.

9. List the matter under the caption for 'framing issues' on 19.12.2022.

23.11.2022

mrn



WEB COPY



C.V.KARTHIKEYAN, J.

(mrn)

A.Nos. 4860 & 4861 of 2022
in
C.S.No. 95 of 2022

23.11.2022