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A.No.4993 of 2022

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in
C.S.No.81 of 2022

C.V.KARTHIKEYAN,J.,

The application has been filed seeking to condone the delay of 52 days in filing the written statement by both the defendants.

2. In the affidavit filed in support of the application seeking to condone the delay and to explain the delay it had been stated that the deponent of the applicant suffered from high fever, dizziness and weakness of the body, during September and October and was quarantined and therefore, could not give instructions to the counsel to prepare the written statement. It had been stated that in view of all these reasons, there has been a delay.

3. The learned counsel for the respondent/plaintiff, however placed objections with respect to the averments made in paragraph Nos.3 and 5 and stated that such averments are totally unnecessary and uncalled for particularly the application, the scope is only to explain the delay in filing the written statement.

4. That statement by the learned counsel is well taken and the said averments are declared as not necessary for consideration of the



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present application and it would have been appreciable that the petitioner had not incorporated those statements in the affidavit.

5. Even though, those statements are available, I would condone the delay, taking into consideration the reasons given for the delay.

6. Let me also put it clearly that the statements made in paragraph Nos.3 and 5 can be controverted by the respondent/plaintiff during the course of trial, if at all such need is required.

7. With the said observation, the petition stands allowed. The written statement is taken on file.

09.11.2022
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