



WEB COPY



A.No.303 of 2023

A.No.303 of 2023 & O.A.No.733 of 2019

in

C.S.No.466 of 2019

SENTHILKUMAR RAMAMOORTHY, J.

In a suit for injunctive relief and damages for alleged defamation, the defendants have filed this application to condone the delay of 1180 days in filing the written statement.

2. In the affidavit in support of this application, three reasons are cited. The first reason is that the defendants inadvertently failed to send the suit summons to the lawyer representing the defendants. The second reason is that the defendants were prosecuting several applications in the pending winding up proceedings. The third reason is that there was a change in counsel.

3. Learned counsel for the plaintiff opposes this application by contending that none of the reasons provided by the defendants constitute sufficient cause.



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4. Given the length of delay, the reasons provided by the defendants to condone the delay are not entirely convincing. However, the defendants are members of the company and the suit is for alleged defamation in relation to the allegations levelled by the defendants with regard to the management of the assets and affairs of the company. By taking into account the nature of the suit, the delay is liable to be condoned albeit subject to payment of costs by the defendants.

5. Accordingly, A.No.303 of 2023 is allowed subject to the payment of a sum of Rs.20,000/- as costs by the defendants. Such payment shall be made to the Official Liquidator and held to the credit of M/s.Zylog Systems Limited. The applicants shall make the payment within a period of two weeks from the date of receipt of a copy of this order.

List on 28.02.2023.

14.02.2023

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