



A.No.1680 of 2023
in C.S.No.224 of 2018

K.KUMARESH BABU,J.

This Application has been filed seeking to condone the delay of 1431 days in filing written statement in D.No.27392 of 2019 in C.S.No.224 of 2018.

2.The suit had been originally decreed ex-parte by this Court on 19.11.2018. Thereafter, the applicant/ defendant had filed an application seeking to set aside the ex-parte order along with an application to condone the delay. This Court by its order dated 03.01.2023 on terms had allowed the said application to condone the delay and again by order dated 07.02.2023, on recording the compliance of the earlier order and also on being satisfied with the sufficient cause as shown in the application to set aside the ex-parte decree dated 19.11.2018. Thereafter, the written statement sought to be filed along with the present application to condone the delay.

3.The said application is totally opposed by the learned counsel for the respondent/ plaintiff by filing a counter and submitted that the applicant is only trying to delay the rightful claim of the respondent/ plaintiff. He would also further submit that there is no reason assigned by the applicant. It does not explain the delay that has been caused between 19.11.2018 till the pandemic has settled. Further, he would submit that no sufficient cause is shown to condone the delay and prayed for dismissal of the application.



WEB COPY

4.I have considered the claims made by the learned counsels appearing for their respective parties.

5.Considering the fact that the ex-parte decree was set aside by this Court in its order dated 07.04.2023 on condonation of delay and I find no reason to refuse or reject the present application to condone the delay in filing the written statement. Hence, this Application is ordered as prayed for.

6.Registry is directed to take on record the written statement file by the applicant.

18.04.2023

gba



WEB COPY



K.KUMARESH BABU,J.

Gba

A.No.1680 of 2023
in C.S.No.224 of 2018