



A.No.3696 of 2022
in CS. No.1187 of 2009

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in C.S. No.1187 of 2009

R.N.MANJULA, J.

This application has been filed to condone the delay of 4452 days in receiving the written statement in C.S. No.1187 of 2009.

2. On 06.02.2023 the matter was adjourned on the representation of the learned counsel for the applicants and effecting Paper Publication by way of substituted service was also recorded. Further the Registry was also directed to take Court notice on the plaintiff to inform him about the demise of his counsel. In compliance of the said order, the Registry has also issued notice to the plaintiff through Bailiff. Hence service of notice upon the plaintiff in respect of application in A.No.3696/2022 is recorded as sufficient.

3. The learned counsel for the applicants / defendants 1, 3 to 6 submitted that his previous counsel had failed to file written statement within stipulated time and thereafter, the applicants have engaged the present counsel; however, the applicants could not get back the case bundle because the earlier counsel died in the meanwhile.



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4. It is difficult to believe that in a suit which has been filed in the year 2009, the applicants did not contact their counsel for ten years and thereafter only they came to know that the written statement was not filed.

5. However, there is no representation for the plaintiff also. In such circumstances, the suit itself might get disposed for default in the next hearing.

6. Due to the aforesaid reason and also considering the unacceptable reasons stated by the learned counsel for the applicants, this application is dismissed.

07.03.2023

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