



A.No.2931 of 2023
in C.S.(Comm.Div.)No.23 of 2023

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S.SOUNTHAR, J.

This application has been filed by the applicant/defendant seeking to condone the delay of 56 days in filing the written statement.

2. In the affidavit filed in support of this application it is stated by the applicant/defendant that the suit summons was served on him on 06.03.2023. It is also stated by the applicant that after receipt of legal notice dated 26.03.2022, in order to avoid unpleasantness, the applicant agreed not to use the trade name of the respondent namely “Hotel Vasantha Bhavan” and changed its trade name as “Vasantha Vihar”. Therefore, the applicant waited for sometime under the hope that the plaintiff would withdraw the suit. However, the respondent has not taken any step to withdraw the suit, therefore, the applicant has filed the written statement after summer vacation, on the reopening day. In the meantime, there was a delay of 56 days in filing the written statement.



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3.It is also asserted that the delay occurred only due to the bonafide reasons mentioned in the affidavit and it was not a deliberate one.

4.Having satisfied with the reasons assigned in the affidavit filed in support of this application, the delay of 56 days is condoned. The application in A.No.2931 of 2023 is allowed.

21.06.2023

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