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A.Nos.954, 956, 582 of 2023

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in C.S.No.126 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

These applications are presented by the second, third and fourth defendants to condone the delay of 74 days in filing the written statement. The written statement of the second defendant has been presented along with a counter claim.

2. These applications are opposed by learned counsel for the plaintiff on the ground that a counter claim cannot be received after the time limit for filing the written statement expires. Learned counsel relies on Order VIII Rule 6A of the Code of Civil Procedure in this regard.

3. In the affidavit in support of these applications, the second to fourth defendants stated that they were prosecuting the interlocutory applications filed by the plaintiff and that this caused delay in the preparation and filing of the written statement.



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4. The time limit for filing a written statement, with or without a counter claim, is not absolute since the law permits the delay in filing such written statement to be condoned for sufficient cause. Upon examining the affidavit in support of these applications and being satisfied that sufficient cause is shown to condone delay, these applications are allowed. Consequently, the Registry is directed to receive the written statement with counter claim of the second defendant and the adoption memos filed by the third and fourth defendants. Learned counsel for the plaintiff submits that the written statement in response to the counter claim of the second defendant was filed in the Registry. The Registry is directed to receive the same and place it on the file for the next hearing.

5. List the matter on 14.03.2023.

**21.02.2023
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