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A.No.728 of 2021 in C.S.No.491 of 2007

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in
C.S.No.491 of 2007

S.S.SUNDAR,J.,
and
P.B.BALAJI,J

(Order of the Court was made by S.S.SUNDAR,J.)

Though the delay is inordinate, the parties have agitated their right in different forums. A detailed affidavit is filed in support of the petition to condone the delay.

2. Learned counsel appearing for the petitioner referred to the order passed by this Court dated 30.11.2022 in A.No.727 of 2021 in C.S.No.491 of 2007. The application in A.No.727/2021 was filed by the applicants in A.No.728/2021 to reject the plaint in C.S.No.491 of 2007 under Or.7 R.11 of C.P.C. While dismissing the application on merits, this Court in paragraph 22 has observed as follows:

“...

*22. In view of the order passed by us in
the above application, we deem it appropriate to
commence the trial in C.S.No.386 of 2014 and*



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C.S.No.491 of 2007. We direct the parties to complete the process of filing the pleadings including written statement and reply if any within a period of four weeks from today. The learned counsel appearing for the petitioner submitted that they have filed written statement along with the petition to condone the delay in filing the written statement and also filed application for leave of the Court to file additional written statement.”

3. While dismissing the application filed by the defendants 9 and 10, this Court has permitted the applicants to file their written statements within a period of four weeks. It is brought to the notice of this Court that the application in A.No.728/2021 was filed along with application under Or.7. R.11 C.P.C. Therefore, going by the directions of this Court dated 30.11.2022, this Court finds that this Court has already given permission to file written statements by the defendants 9 and 10.



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4. Having regard to the peculiar facts and circumstances of this case,
we are also convinced with reasons stated in the affidavit explaining the delay.

Hence, this application is ordered.

(S.S.S.R.J) & (P.B.B.J)
20.02.2023

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