



WEB COPY



A.No.1621 of 2024

A.No.1621 of 2024
in C.S.No.9 of 2023

C.V.KARTHIKEYAN, J.

The application has been filed seeking to condone the delay of 328 days in filing the written statement in C.S.No.9 of 2023.

2. The suit had been filed seeking a decree against the defendant for a sum of Rs.1,02,07,465/- together with interest and in default, to bring the property which had been mortgaged to auction and for consequential reliefs. The plaintiffs also claim cost of the suit.

3. In the affidavit filed in support of the application seeking to condone the delay, the only reason which has been advanced is that owing to non-availability of the account details and bank statements, the written statement could not be filed. It had been stated that only after receiving the account statement, instructions could be given to the counsel and there was a delay in filing the written statement.



A.No.1621 of 2024

WEB COPY

4. A counter affidavit has been filed on behalf of the respondents/plaintiffs, wherein it had been stated that the applicant herein had forwarded a typed set of papers to learned counsels, enclosing bank statements and it is contended that the typed set of papers is dated February, 2024 and that bank statements relate to the years 2017 and 2018. The bank statements could have been obtained in the years 2017 and 2018. It is not the case of the applicant that they did not receive the bank statements and that they received the bank statements only in the year 2024 and thereafter, filed their written statement. It is their contention that the account details and bank statements were not available, which could also be inferred that they could have misplaced the bank statement. The plaintiffs cannot stand on trivial objections.

5. This Court made an offer that for about one year delay, an additional 1% could be granted to the plaintiffs if at all the claim of the plaintiffs is decreed. Learned counsel for the plaintiffs is not agreeable for that. This leaves me with no other option, but to allow the application without any costs, taking into consideration the fact that defendants must be afforded every opportunity to defend the suit. This Application stands allowed.



A.No.1621 of 2024

Written statement to be taken on record.

WEB COPY

gsa

21.06.2024

(1/2)



WEB COPY



A.No.1621 of 2024

C.V.KARTHIKEYAN,J.

gsa

A.No.1621 of 2024
in C.S.No.9 of 2023

21.06.2024

($\frac{1}{2}$)