



A.No.3106 of 2024
in C.S.(Comm.Div.) No.148 of 2020

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P.VELMURUGAN, J.

The present application has been filed to condone the delay of 89 days in filing the memo of bill of cost.

2. This Court has partly decreed the suit in C.S.(Comm.Div.) No.148 of 2020 and it is an *ex parte* decree. The plaintiff / decree holder has not filed the memo of bill of cost in time i.e. within a period of 30 days. Hence, the present application has been filed to condone the delay.

3. Since it is an *ex parte* decree and if the delay is condoned and the bill of cost is accepted, no prejudice will be caused to the parties as the main suit itself is decreed with cost. Due to the negligence on the part of the counsel, the parties should not suffer. Though the reasons stated in the accompanying affidavit filed in support of this application is not satisfied, this Court is inclined to allow the present application as the suit is decreed with cost. The plaintiff / decree holder is entitled to recover the cost from the defendants.



4. Accordingly, this application is allowed and the delay is condoned.

Registry is directed to incorporate the bill of cost in the suit decree dated 22.09.2023.

01.07.2024

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