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A. 6154 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2024

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THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A. 6154 of 2024

IN

CS. 284 OF 2017

MRS.SUBHANA BEGUM
NO.70, 1ST FLOOR, PORTUGUESE CHURCH ST, SEVEN WELLS,
CH-01.

Applicant

Vs

DR.C.ARUMUGHAM
S/O. CHINNAPPAIYAN, NO.51/2, 3RD STREET, D BLOCK, ANNA
NAGAR EAST, CHENNAI 600 102.

Respondent

For Applicant: M/s.A.Shanthi

For Respondent(s): Mr.M.Selvam

ORDER

This application has been filed by the applicants/defendants to condone the delay of 2672 days in filing the written statement in the above suit.

2. The learned counsel for the applicants/defendants submitted that though the suit summons were served on 15.06.2017, the defendants are not able to file the written statement within time due to covid pandemic and illness of the counsel. Hence, there is a delay of 2672 days in filing the written statement. The delay is neither willful nor wanton, but due to the reasons stated above. No prejudice would be caused to the respondents if the delay is condoned. On



the other hand, great prejudice would be caused to the applicants/defendants if this application is not allowed. Hence, he prays to allow this application.

3. The learned counsel for the respondents 1 to 5/plaintiffs 1 to 5 strongly opposed to allow this application stating that the reasons stated in the affidavit is not sufficient to condone the huge delay and that each and every day delay has not been properly explained. He further submitted that non-filing of the written statement is deliberate and they cannot take lightly the process of court according to their whims and fancies. Hence he prays for dismissal of the application.

4. Considering the facts and circumstances of the case and, in the interest of justice, by giving an opportunity to the applicants/defendants to contest their case on merits, this Court is inclined to allow this application, by imposing cost.

5. Accordingly, this application is allowed on condition that the applicants/defendants shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the respondents 1 to 5/plaintiffs 1 to 5 on or before 18.12.2024. In the event of failure on the part of the applicant in paying the said amount within the stipulated time, this application shall stand dismissed.

6. Post on 18.12.2024

11-12-2024

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To

1. DR.C.ARUMUGHAM

S/O. CHINNAPPAIYAN, NO.51/2, 3RD STREET, D BLOCK, ANNA
NAGAR EAST, CHENNAI 600 102.