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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.645 of 2025
in C.S.(Comm.Div.) No.158 of 2024

Ms P Mahendra Kumar and Sons HUF
Represented by its Karta, Mr. P. Mahendra Kumar
Partner of Ms. Jain Texport New No.28/1, Old No.18/1,
Vysar Street T Nagar Chennai 600 017 and another ... Applicants
-VS-

Akshay M
Represented by its Karta, Mr. P. Mahendra Kumar
Partner of Ms. Jain Texport New No.28/1, Old No.18/1,
Vysar Street T Nagar Chennai 600 017 and 8 Others ... Respondents

For Applicants : Mr.Avinash Wadhwani

For Respondents : Mr.Harshit S.Jain
for M/s.Rank Associates

ORDER

By this application, the 8th and 9th defendants seek condonation of delay of 89 days in filing the written statement. In the affidavit in support of this application, it is stated that the plaint, application and documents in

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support of the plaint were received along with e-mail dated 14.10.2024. Since the 30 day limit expired soon thereafter on 16.10.2024, it is stated that the applicants were unable to file the written statement earlier.

2. The plaintiff opposes this application on the ground that the plaint was served on the applicants along with suit summons on 17.09.2024. Therefore, it is stated that the reason mentioned by the applicants is untenable.

3. The plaintiff is correct in stating that the plaint would have been received along with the suit summons. Therefore, the reason mentioned by the applicants is not entirely convincing. Nonetheless, it appears that copies of all relevant case papers, including documents, were received by the applicants on 14.10.2024. In these circumstances, subject to payment of a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the plaintiff, the delay in filing the written statement is condoned. Such payment shall be made within *two weeks* from the date of receipt of a copy of this order.

10.03.2025
(1/2)

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