



A No.5502 of 2025
in
C.S. No.70 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

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in
C.S.No.70 of 2024

1. Mrs.A.Raliya Banu
W/o.Late P.S.Abdul Kadhar,
No.51, J.K.Nagar, 1st Main Road,
Narayanapuram,
Madurai - 625 014.

2. Mr.A.Syed Ibrahim,
S/o.Late P.S.Abdul Kadhar,
No.51, J.K.Nagar,
161 Main Road, Narayanapuram,
Madurai - 625 014.

...Applicants/Defendants 1 and 2

Vs

1.Mr.Veera Kathiravan
S/o.Thiru.N.V.Veeraian,
Plot No.622, 4th East Cross Street,
K.K.Nagar,
Madurai - 625 020.

...1st Respondent/Plaintiff



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2.M/s.Google LLC,
Having Branch Office at
Unit No.26, The Executive Centre,
Level 8, DLF Centre,
Sansad Marg, Connaught Place,
New Delhi - 110 001.

...2nd Respondent/3rd Defendant

PRAYER: This application has been filed under Order XIV Rule 8 read with Order V Rule 5 of Original Side Rules read with Section 5 of the Limitation Act to condone the delay of 325 days in filing the Written Statement of D1 and Adoption Memo of D2.

For Applicants: M/s.T.Anto Chrisbeen Jenitha

For Respondents: Mr.Vikram Veerasamy
for R1

ORDER

This application has been filed by the applicants/defendants 1 and 2 to condone the delay of 325 days in filing the Written Statement of D1 and Adoption Memo of D2.



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2. According to the applicants, they are defendants 1 and 2 in the main Suit. The first respondent/plaintiff has filed the Suit for Defamation. Already they engaged a counsel, and he was unfortunately arrested in a criminal case and remanded to Judicial custody. Therefore, they were unable to contact their counsel and give instructions to file the Written Statement and already they were set *ex-parte*. This Court set aside the *ex-parte* order passed against them through an order dated 10.09.2025 in A.No.1998 of 2025 in C.S.No.70 of 2024. Therefore, now he filed this application to condone the delay of 325 days in filing the Written Statement of D1 and Adoption Memo of D2.

3. Mr.Vikram Veerasamy, the learned counsel appearing for the first respondent/plaintiff, strongly objected on the ground that this application is devoid of merit and fails to disclose the sufficient cause and the applicants have not explained how the alleged incarceration of their Advocate prevented them from appearing before this Court either in person or through another Advocate. They have not stated any cogent reason for not engaging



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4. This Court heard both sides and perused the records.

5. It is an admitted fact that already this Court passed an order in A.No.1998 of 2025 in C.S.No.70 of 2024 dated 10.09.2025 by setting aside the *ex-parte* order passed against the applicants, and along with that application, this application was also filed by them to condone the delay of 325 days in filing the Written Statement of D1 and Adoption Memo of D2. Therefore, in order to give a fair chance to the applicants and already this Court allowed the application to set aside the *ex-parte* order by permitting



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the applicants to participate in the proceedings, and considering other factors, it is appropriate to allow this application.

6. Accordingly, this application is allowed. Written Statement of D1 is taken on file and D2 also adopted the Written Statement of D1.

14-11-2025
1/2

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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P.DHANABAL J.
dk

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