



A NO. 2395 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 2395 of 2025

in C.S.No.104 of 2024

K.Venkatesan

S/o Kuppulingam, No.11/24, 11th Floor, Mig-1, Tnhb, Anna Road,
Kk Nagar, Chennai - 600 078.

Applicant(s)

Vs

R.K. Ganesan and 7 others

No.5/613-b6, Ags Bhavan, Housing Board, Krishna Nagar,
Kovilpatti - 6285 13 and 7 Others

Respondent(s)

For Applicant(s) M/s. V.G. Anbarasu

For Respondent(s): Mr.J.Kamaraj for R1

Mr.Arulgnana for R6

ORDER

The present application has been filed to condone the delay of 308 days in filing the written statement of the first defendant.

2. Heard both sides.

3. The learned counsel for the applicant would submit that due to ill-health, the applicant was



unable to file the written statement within time and in that process there had been the delay of 308 days in filing the written statement. He would submit that the suit is primarily

for recovery of money and for further other reliefs. Hence, if he is not permitted to file the

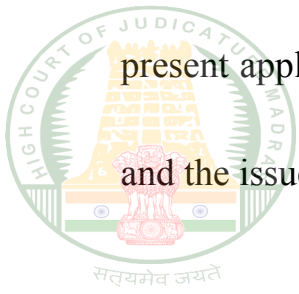
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written statement, it would cause severe prejudice to the applicant and therefore, prays this Court to condone the delay by allowing the present application.

4. The learned counsel for the first respondent/ plaintiff on the other hand had vehemently opposed the application. He would submit that the affidavit is bereft of any material facts and hence, the application should not be entertained. He would further submit that it is only a dilatory tactics on the part of the defendant to prolong the suit proceedings. Therefore, he would pray this Court to dismiss the application.

5. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. It is the case of the application that there had been a delay of 308 days in filing the written statement due to his ill-health. The written statement had now been filed along with the



present application. It is also to be seen that the pleadings are yet to be completed



suit

and the issues are also to be framed.

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7. In such view of the matter, I do not find any impediment in ordering the application as no prejudice would be caused to the plaintiff. On the other hand it would only enable the defendants to effectively contest the suit.

8. In fine, the present application stands allowed and the delay is condoned. Registry is directed to take the written statement of the first defendant on record, if it is otherwise in order.

24-06-2025

Gba

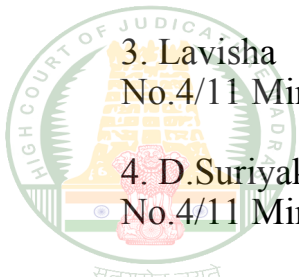
To

1. R.K. Ganesan and 7 others

No.5/613-b6, Aags Bhavan, Housing Board, Krishna Nagar, Kovilpatti - 6285 13

2. K.Suresh Babu

S/o M.Kothandam, No.13/3. Krishna Doss Road, 3rd Street, Mangalapuram, Chennai 12. Also At New No.6, Old No.17, Park Street, Kilpauk Garden Road, Kilpauk, Chennai - 600 010.



3. Lavisha

No.4/11 Mint Street, Chennai 600 079.

4. D.Suriyakani

No.4/11 Mint Street, Chennai 600 079.

5. Lalith Kumar Chodiya

S/o Bhavani Dhass Chodiya No.273, 1st Floor, Symdanhamas Road, Chennai 600 112.

6. Tata Capital Housing Finance Limited

One Forbes, Dr.V.B.Gandhi Marg, Fort, Mumbai - 400 001. Also At Centennial Square, 1st Floor, No.6a, Dr.Ambedkar Salai, Kodambakkam Chennai 24.

7. K.Bharanidharan

S/o B.S.Kannan, A4, 8b, Olympia Garden Apts, Gst Road, Pallavaram, Chennai 43

8. Repatriates Coopertative Finance Development Bank Limited

No.33, North Usman Road, Chennai 17.