



A.No.5479 of 2025 and A.No.5480 of 2025
in
CS.DR.No.66210 of 2025

WEB COPY

MASTER
13.11.2025

COMMON ORDER

1. A.No.5479 of 2025 filed by the applicant / plaintiff to condone the delay of 228 days in representation of plaint before the court and A.No.5480 of 2025 is an application filed by the same petitioner to condone the defective presentation.

2. In both applications this petitioner narrated same facts which is as below. The petitioner is the plaintiff in the above suit, initially which is one for declaration and other relief filed at Hon'ble XI Assistant City Civil Court, Chennai. After that the plaint has been amended for the relief of specific performance. Thus, the value of the suit has been raised and the above court found that it has no jurisdiction to try the suit and returned the plaint for presentation before proper court with a time frame of 30 days.

3. While so, the plaintiff / petitioner met with an accident and unable to respond his counsel for proper presentation of plaint before this Court. Also, the plaintiff is unable to raise the court fee since he is a senior citizen with ailments. All the above lead to a situation that presentation of plaint in a defective manner as well as there is a delay of 228 days in representation of the plaint. Hence, this applications are to be allowed.

4. Heard. Both side. Records perused. For R2 side it is endorsed as no objection. Since, the facts for both applications are same, both applications are taken together for



orders.

5. From records, it is clear that since expansion of value of the subject matter of the suit the plaintiff forced to file this plaint before this court. The reason for default assigned as aging, ailments due to aging as well as injuries sustained in an accident by the petitioner. The petitioner also filed a detailed affidavit to that effect.

6. By filing a detailed affidavit this petitioner plead and prove the reason for default. Ailments due to age, aging and injuries prohibiting the petitioner from approaching the counsel is a sufficient reason for allowing the applications. Anyhow, while allowing this applications any question of limitation as a defence for the first respondent ought to be taken into account. This point can be solved by reserving a right to raise such questions of limitation in the main suit to the first petitioner. With this condition, this applications can be allowed. This will alone meet the end of justice as well as avoid multiplicity of proceedings between the parties as well as lead to a final disposal of lis.

In fine, both the above applications allowed with such conditions. No cost.

MASTER