



A.No.6419 of 2024 in C.S No.65 of 2008

A.A.NAKKIRAN, J.

This application has been filed by the applicant/3rd defendant to condone the delay of 5934 days in filing the written statement in the above suit.

2. Heard both side.

3. The learned counsel for the applicant/3rd defendant submitted that the 3rd defendant has filed their written statement along with a condone delay application on 23.08.2021. Unfortunately, since the papers could not be filed directly into the Registry due to limited access in view of covid restrictions, they had filed in the drop box. However, the said application and written statement are not traceable and consequently, the written statement of 3rd defendant has not been taken on file. Only recently, on verifying with the Registry, they came to know that the written statement along with the application are not available. Immediately, thereafter the present application with the written statement is filed. However, there is a delay of 5934 days in filing the written statement for the bonafide reasons stated above. Unless the delay is condoned and the written statement of the 3rd defendant is taken on file, they shall be greatly prejudiced. Hence, he prays to allow this application.



4. The learned counsel for the respondents 3 to 14 and 17/plaintiffs strongly opposed stating that there is no plausible explanation or sufficient cause set out in the application as to why the enormous delay of 5934 days in filing the written statement should be condoned by this Court. The applicant ought to have explained the reason for not filing its written statement right from the date of service of summons and no event or circumstance that arose after the expiry of the period for filing written statement can constitute a sufficient cause. The entire contents of the affidavit are denied as false, baseless and devoid of merits. The apathetic and lethargic attitude of the applicant disentitles him to any reliefs based on law or on equity as prayed for in the present application. This application is hopelessly time barred and hence, he prays for dismissal of the application.

5. Considering the facts and circumstances of the case and, in the interest of justice, by giving an opportunity to the applicant/3rd defendant to contest their case on merits, this Court is inclined to allow this application on payment of cost of Rs.30,000/- (Rupees Thirty Thousand only) payable to the respondents/plaintiffs.

6. The learned counsel for the applicant/3rd defendant has paid cost of Rs.30,000/- directly to the learned counsel for the respondents/plaintiffs and on receipt of the same, the learned counsel for the respondents/plaintiffs has also made an endorsement to that effect in the court bundle.



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7. Accordingly, this application is allowed.



28.01.2025

Note: Post on 04.02.2025 for filing draft issues.

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