



WEB COPY

A No. 3891 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 3891 of 2025

AND

CS NO. 1014 OF 2008

1. Sri Prakash Chand Golecha
S/o.Ranulalji Golecha, No.4, Subba
Naidu Street, Choolai, Chennai 600
112.

Applicant(s)

Vs

1. S.Jadav Chand Kanuga
S/o.Sohanrajji Kanuga, 58, V.V.Koil
Street, Choolai, Chennai 600 112.

Respondent(s)

A No. 3891 of 2025

PRAYER

This application is filed under Order XIV Rule 8 read with order V Rule 5 of O.S.Rules, praying to condone the delay of 5664 days in filing the Written Statement of the 2nd Defendant in C.S.No.1014 of 2008, which is filed along with this Application.



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For Applicant(s): Mr.Thivakkaran M

For Respondent: Mr. P. Prithvi Chopda for R1
Mr. P. Sunil for T.Viswanatha
Rao for R8

ORDER

Despite the fact that the plaintiff has not raised any objection to receive the written statement, Mr. P. Prithvi Chopda, learned counsel for the first respondent/defendant, has filed a counter stating that the reasons assigned to condone the delay of 17 years in filing the written statement are not acceptable.

2. The learned counsel for the first respondent/defendant further submitted that the applicant, who had been silently watching the proceedings without participating, has now chosen to file the written statement at this belated stage only in collusion with the plaintiff. It is submitted that after the cross-examination of PW.1 has been over, the written statement of the 2nd defendant is proposed to be filed, just for filling the lacunae in the evidence given during the cross-examination of PW.1 by the first defendant.

3.The submission now made by the learned counsel for the respondent/1st



defendant, Mr P. Sunil, can be a matter for appreciating the conduct of parties at

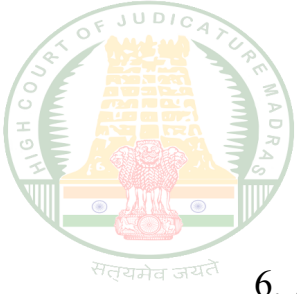
the time when the evidence is appreciated. As such, the suit is still pending, and

the party who has not filed a written statement so far has all of a sudden, come

forward to file the written statement by seeking leave of this Court.

4. Mr. M.Thivakkaran, learned counsel for the applicant, submitted that the suit is a scheme suit, wherein the title of the parties is not in issue. The endeavour of the Court in such a suit would be only to frame an appropriate scheme for the proper management of Sri Chandraprabha Jain Shwetambar Temple, provided the plaintiff is able to establish the claims made in the plaint.

5. In this context, the filing of written statements by the parties is an essential requirement for the effective adjudication and disposal of the suit. Though there is an inordinate delay in filing the written statement, the suit has not yet been disposed. Under such circumstances, I find no prejudice would be caused to any of the parties, if the existing parties are permitted to file their written statements by condoning the delay.



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6. Accordingly, the application in A. No. 3891 of 2025 is **allowed**. The Registry is directed to receive the written statement and list the main case in C.A. No. 1014 of 2008 after two weeks for framing additional issues, if any.

04-09-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.S.Jadav Chand Kanuga
S/o.Sohanrajji Kanuga, 58, V.V.Koil
Street, Choolai, Chennai 600 112.



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Dr. R.N.MANJULA J.

jrs

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