



A NO. 6645 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 6645 of 2024

IN

CS NO. 65 OF 2024

A.Shankar alias Savukku Shankar and another
S/o.Mr.Achimuthu, Residing at No.12/6, MMDA, TNHB Flats,
Maduravoyal, Tiruvallur, Poonamallee, Tamil Nadu, India 600
095.

Applicant(s)

Vs

Lyca Productions Pvt Ltd
Represented by its Director Mr.Neelakant Narayanpur, Having
Registered Office at No.55, Vijayaraghava Road, T.Nagar,
Chennai 600 017 and another

Respondent(s)

For Applicant(s):

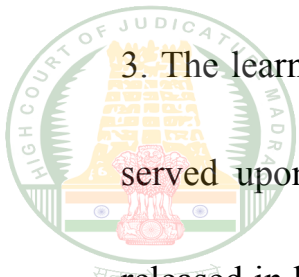
M/S.C. Vigneswaran
A.P.balaji

For Respondent(s): Mr.B.Aravind Srevatsa for R1

ORDER

This Application had been filed to grant an order of condonation of delay of 41 days in filing of Written Statement by the 1st Defendant in C.S.No.65 of 2024.

2. Heard the learned counsels appearing on either side and perused the materials placed on record.



3. The learned counsel appearing for the applicant would submit that the suit s was served upon him on 03.09.2024 on which date, he was under incarceration and he was released in bail on 23.09.2024. Immediately thereafter, he had contacted his counsel and had

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prepared the written statement and presented the same before this Court and in that process, there had occasioned a delay of 41 days in filing the written statement. He would further submit that the delay is neither wilful nor wanton and no prejudice would fall on the plaintiff if this written statement is taken on record. Hence he prays this Court to allow this present Application.

4. The learned counsel appearing for the first respondent would vehemently oppose the application by contending that even after the release of the applicant, he had not explained the delay in filing the application and thereafter, no reasons attributed for the remaining period and hence, the application is liable to be dismissed.

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

6. The applicant had been incarcerated when summons were served upon him. It is his case that immediately after his release, he had contacted his counsel and the reasons for the delay has been attributed to the preparation of written statement after verifying the documents filed



by the plaintiff. Hence, this Court is of the view that the delay has been properly 1 in
condoning the delay.



7. In fine, the Application stands allowed and the delay is condoned.

15-07-2025

Gba (1/2)