



A.No.1863 of 2026
in
A.DR.No.17556 of 2026
in
C.S No.53 of 2009

WEB COPY

MASTER
16.06.2026

ORDER

1. This application is filed to condone the delay of 24 days in representing A.D.No.17556 of 2026 which is an application filed by the applicant herein to direct the 1st respondent/plaintiff to amend the short and long cause title with respect to the 3rd defendant. The reason stated for the delay is that the amended plaint copy was not available with them and so the applicant could not make correction and represent the same within the stipulated time granted by the Registry and only after verifying the record the applicant's counsel was able to carry out the corrections and represent the same. Thus, delay of 24 days occurred.

2. The learned counsel for the 1st respondent/plaintiff and counsel for 4th and 5th respondent had made an endorsement that they have no objection in allowing this application. The counsel for 2nd and 3rd respondent who are the 1st and 2nd defendants in the suit filed their counter stating that Mrs.Kavitha Ranganathan who had preferred the present application is not a Trustee in the said Trust and is not entitled to represent the said trust and thus has no locus standi to file the present application.

3. Heard the counsel for the applicant and the respondents 2 & 3. The present application is filed to condone the delay of 24 days in representing the A.DR.No.17556 of 2026. The delay in representation is a matter between the court and the litigant who filed this application. Despite the above said fact the counsel for 2nd and 3rd respondent insisted that they want to file a counter in this application. The same is taken on file and the objections raised by 2nd and 3rd respondents cannot be decided in this application



because this is an application filed only to condone the delay in representation of the application filed by the applicant directing the 1st respondent/plaintiff to amend the short and long cause title in A.D.No.17556 of 2026. The said objections are subject matter which can be decided only in the application filed by the applicant in A.D.No.17556 of 2026. Further, the delay is only in refiling and not in filing.

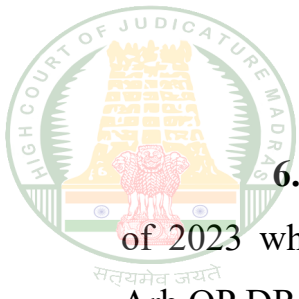
4. This court has come across an order of our Hon'ble Division Bench in OSA.No.66 of 2023 to condone the delay of 267 days in representation in an application in which the Hon'ble Division Bench condoned the delay by deleting the cost imposed. The extracted portion is hereunder.

“It is seen that the delay has occurred only in respect of re-presenting the original petition filed against the award passed by the first respondent Arbitrator and not in filing the same. Admittedly, this Court has dealt with umpteen number of cases, extending some leniency for condoning the delay. Applying the same analogy and also considering the explanation offered by the appellant for the delay in re-presenting the petition papers, this court is inclined to modify the order of the learned Judge, by deleting the costs of Rs.25,000/- imposed on the appellant, while condoning the delay in re-presenting the petition.”

5. This order of Hon'ble Division Bench was followed by the Hon'ble Single Judge in A.No.1219 of 2023 in Arb.OP.DR.No.9142 of 2022 and the same was allowed without cost. The portion extracted is hereunder.

"In view of the earlier order passed by the learned single Judge in Application No. 1232 of 2023 dated 03.03.2023 which had been modified by the Division Bench of this Court in O.S.A.No. 66 of 2023 by judgment dated 29.03.2023, I am inclined to set aside the impugned order passed by the Learned Master.

Accordingly, this application is allowed. However, there shall be no order as to costs".



6. Following the orders passed by our Hon'ble Division Bench in OSA.No. 66 of 2023 which was followed by the Hon'ble Single Judge in A.No.1219 of 2023 in Arb.OP.DR.No.9142 of 2022, this court has no hesitation to take lenient view in this application and is inclined to allow this application.

Accordingly, this application is allowed. No order as to costs.

MASTER