



A.No.1103 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-06-2026**

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**THE HON'BLE DR.JUSTICE A.D.MARIA CLETE**

**A No. 1103 of 2026**

**in**

**C.S. No. 227 of 2024**

1. Mamta D Mehra  
W/o late Dindayal Girdharilal,  
New No.58, Old No.16-B, 1st Floor, Casa Major  
Road,  
(Next lane to Yes Bank)  
Egmore, Chennai 08.
2. Raina Khatri alias Raina Tandon  
D/o late Dindayal Girdharilal,  
W/o Girish Tandon,  
New No.58, Old No.16-B, 1st Floor,  
Casa Major Raod,  
(Next lane to Yes Bank)  
Egmore, Chennai 08.
3. Ritu Khatri  
D/o Late Dindayal Girharilal,  
New No.58, Old No.16-B, 1st Floor,  
Casa Major Road,  
(Next lane to Yes Bank)  
Egmore, Chennai 08

..Applicant(s)

Vs

1. Mrs.Lata Mehra  
W/o late Mr.G.Ashok Kumar,  
Old No.16-B New No.58,  
2nd floor, Cass MAjor Road,  
Egmore, Chennai -08.



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2. Mrs.Arun Mehra  
S/o Late Mr..G.Ashok Kumar,  
Old No.16-B, New No.58,  
2nd Floor, Case Major Road,  
Egmore, Chennai - 08.

3. Mr.Avinash Mehra  
S/o late Mr.G.Ashok Kumar  
Old No.16-b, New No.58,  
2nd Floor, Casa Major Road,  
Egmore, Chennai - 600 008.

..Respondent(s)

To condone the delay of 331 days in filing the Written Statement in the above C.S.No.227 of 2024.

For Applicant(s): M/S.S. Ravi  
S.R.Jaya Salini  
P.Surendhar  
S.Karpaga Lakshmi

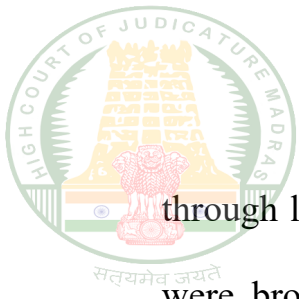
For Respondent(s): Mr.Srenik S.Jain

### **ORDER**

This application has been filed by the applicants/defendants to condone the delay of 331 days in filing the written statement in C.S.No.227 of 2024.

2. The suit has been filed by the respondents/plaintiffs for partition of the property bearing Old No.16-B, New No.58, Casa Major Road, Egmore, Chennai.

The plaintiffs claim through late G. Ashok Kumar, while the defendants claim



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through late Dindayal Girdharilal. It is not in serious dispute that the said persons were brothers and that the suit relates to the shares claimed by the respective branches.

3. According to the applicants/defendants, the delay was neither wilful nor wanton. They state that they had earlier engaged counsel, but the matter was not properly followed up. They further state that they had gone to Bengaluru due to the death of a close relative and had to remain there for the rituals. It is also stated that the first applicant, who is a senior citizen aged about 69 years, thereafter fell ill and was admitted as an inpatient. On these grounds, they seek condonation of delay and reception of the written statement.

4. The applicants have also stated that earlier a written statement was filed in S.R.No.15960 of 2025 on 21.04.2025, but the same was returned on the very same day and was not taken on file. They have since changed counsel and filed the present written statement. They do not seek to press the earlier returned written statement.



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5. The respondents/plaintiffs oppose the application. According to them, the delay has not been properly explained. They contend that the plea regarding illness and the death of a relative is vague and unsupported by sufficient documents. They further point out that the defendants entered appearance on 25.11.2024, but did not file the written statement within time. The order sheet dated 08.04.2025 also records that though the defendants had entered appearance on 25.11.2024, no written statement had been filed, and the suit was directed to be listed under the caption “For Un defended Board” on 22.04.2025.

6. It is further contended by the respondents/plaintiffs that the written statement earlier presented in S.R.No.15960 of 2025 was represented, and that the present written statement is different from the earlier one. On that basis, they contend that the applicants cannot be permitted to file another written statement.

7. This Court has considered the rival submissions and perused the materials on record.



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8. The earlier written statement filed in S.R.No.15960 of 2025 was returned on 21.04.2025 and was not taken on file by this Court. Therefore, it did not become a valid pleading forming part of the record. Even assuming that the present written statement differs from the earlier returned written statement, that circumstance by itself cannot be given undue importance at this stage, since the earlier written statement was never taken on file.

9. Though the application mentions a delay of 331 days, the applicants/defendants had made an earlier attempt to present the written statement. The delay has therefore to be considered in the overall facts of the case and not merely on the basis of the number of days mentioned in the application. The earlier presentation, though returned, indicates that the applicants/defendants had not completely abandoned their defence. In these circumstances, the delay cannot be treated as so significant as to deny them an opportunity to contest the suit.

10. The suit is one for partition of immovable property between members of the same family. The relationship between the parties and the broad claim to shares are not seriously in dispute. The written statement raises issues relating to the identity,



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nature and divisibility of the suit property, valuation, court fee and other connected matters. Since the reception of the written statement would assist in adjudicating the suit on merits, and since any inconvenience caused to the respondents/plaintiffs can be compensated by costs, this Court is inclined to allow the application on terms.

11. Accordingly, A.No.1103 of 2026 is allowed on the following conditions:

- i. The delay of 331 days in filing the written statement is condoned.
- ii. The written statement filed by the applicants/defendants in the present proceedings shall be taken on record, subject to compliance with all Registry requirements.
- iii. The applicants/defendants shall pay a sum of Rs. 10,000/- as costs to the respondents/plaintiffs within two weeks from the date of receipt of a copy of this order.

**10-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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**DR.A.D.MARIA CLETE, J.**

**AY**

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in  
C.S. No. 227 of 2024**

**10-06-2026**