



WEB COPY

A No. 2403 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

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

A No. 2403 of 2026 in C.S.No.245 of 2024

Suresh Paul, S/o Mr.I.Jones,
No.13,50 Feet Road, Morai Anna NAgar,
Thirumalai NAgar, Morai,
Tiruvallur-600 055
and also at
No.50, Constable Road,
Ayanavaram, Chennai - 23.

..Applicant(s)

Vs

MRs.Sushila Angelina Lazarus
W/o Mr.Robort Lazarus,
AA Block, No.61/22, 2nd Street,
III Main Road, Anna Nagar,
Chennai - 40

..Respondent(s)

Prayer : Application filed to condone the delay of 198 days in filing the Written Statement in C.S.No.245 of 2024 pending before this Honble Court.

For Applicant(s):

Mr..K. Kulandai Velu

For Respondent(s):

Mr.Prakash Goklaney



ORDER

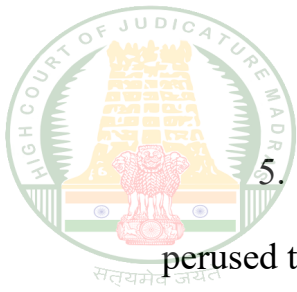
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This application has been filed by the applicant/defendant to condone the delay of 198 days in filing the written statement in C.S.No.245 of 2024.

2. The suit has been filed by the respondent/plaintiff for recovery of a sum of Rs.1,02,70,600/- from the date of filing of the suit till the date of realization.

3. The learned counsel appearing for the applicants/defendants submitted that the summons in the suit was served on the applicant on 23.01.2025 and since the parents of the applicant were suffering from multiple health complications and he is the only son to attend all the medical exigencies of his parents, he was unable to engage and provide necessary instructions to the counsel to file the written statement.

4. Though the learned counsel appearing for the respondent/plaintiff has not filed counter has opposed the application stating that each and every delay has not been properly explained and hence, prayed for dismissal of the application.



5. This Court has considered the submissions made on either side and perused the materials placed on record.

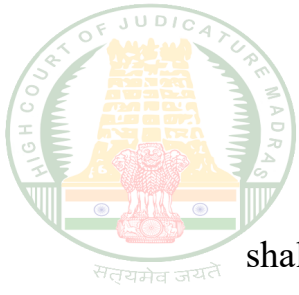
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6. The records show that the summons was served on the defendant and that the defendant had entered appearance through counsel. The summons required the defendants to file their written statement within 42 days after service of summons. The vakalat filed on behalf of the defendant also shows that they had entered appearance in the suit.

7. Having regard to the fact that the written statement has already been filed along with the present application, this Court is inclined to give one final opportunity to the applicant/defendant to contest the suit. At the same time, the delay and inconvenience caused to the respondent/plaintiff have to be compensated by imposing costs.

10. Accordingly, A.No.2403 of 2026 is allowed on the following conditions:

- i. The applicant/defendant shall pay a sum of Rs.2,000/- as costs to the respondent/plaintiff within a period of two weeks from the date of receipt of a copy of this order.



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ii. The written statement filed along with this application shall be taken on file, subject to payment of the aforesaid costs and subject to Registry scrutiny/compliance of defects, if any.

iii. If the costs are not paid within the time stipulated above, this application shall stand dismissed automatically without further reference to this Court.

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DR.A.D.MARIA CLETE, J.

VRC

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