

Application Nos.3113 of 2015, SR15393 and 15395 of 2015
in
C.S.No.454 of 2014

S.VIMALA, J.

This application has been filed by the defendant/applicant to set aside the ex parte order dated 26.03.2015 along with application to condone the delay of 58 days in re-presenting the written statement and the application to condone the delay of 7 days in filing the written statement.

2. Heard both sides.

3. The learned counsel for the defendant/applicant has submitted that because of change of counsel, the delay has occurred, and therefore, all the applications deserve to be allowed.

4. The learned counsel for the plaintiff/respondent pointed out the admission made in para 10 of the written statement, wherein, the defendant has stated that he is willing to repay the borrowed amount of Rs.10,00,000/- together with interest at 12% p.a.

5. The learned counsel appearing for the plaintiff submitted that the payment of Rs.10,00,000/- should be a pre-condition for allowing the application to set aside the ex parte order.

S.VIMALA, J.

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6. This plea made by the learned counsel for the plaintiff is justifiable as there can be a Judgment based on admission.

7. In view of the admission made in para 10 of the written statement, the defendant is directed to make initial payment of Rs.5,00,000/- by 02.06.2015 and the remaining balance of Rs.5,00,000/- by 02.07.2015. Subject to payment of Rs.10,00,000/- on those two dates all the applications would stand allowed.

Post on 03.07.2015.

29.04.2015

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Note : Issue order copy on 30.04.2015.

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