

APPLICATION NO.4765 of 2016**IN C.S.No.777 of 2005****PUSHPA SATHYANARAYANA, J**

The above application is filed by the applicants / plaintiffs to set aside the ex-parte order dated 29.06.2006 made against the sixth defendant / sixth respondent in the above suit.

2. Heard learned counsel appearing for the applicants and learned counsel appearing for defendants 1 to 3.

3. The suit is filed for partition. It is stated in the affidavit that the suit came to be dismissed as against the sixth defendant for non prosecution on 29.06.2006 on the ground that the steps have not been taken for service on her in the above said suit. However, it appears that the sixth defendant has entered appearance and filed vakalat through counsel in the present suit. It is also further stated that the earlier application for restoration was misplaced and due to certain other commitments and difficulties, the plaintiffs could not contact their counsel for a period of time and only when the suit was listed for trial, the plaintiffs came to know about the ex-parte decree passed as against

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the sixth defendant. Hence, the application is filed for setting aside the ex-parte order dated 29.06.2006.

4. Learned counsel for the respondents has got no serious objection in allowing this application.

5. As the Court is convinced of the reasons for setting aside the ex-parte order, this application is allowed.

22.09.2016

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