

A.Nos.6565 & 6566 of 2016
in CS.No.429 of 2011

N.Sathish Kumar, J.,

These applications have been filed to set aside the exparte order passed against the petitioner dated 23.02.2016 in the suit in C.S.No.429 of 2011 and to condone the delay of 1761 days in filing the written statement. Copies served to other side but counter has not been filed.

2. The written statement has also been filed along with the petition to condone delay.

3. The learned counsel for the petitioner submitted that the previous counsel who was handling the matter was appointed as the Presiding Officer of the Debt Recovery Tribunal - II, Bangalore and that the case bundle handed over to him was found missing, there was a delay in filing the written statement.

4. Having regard to the nature of allegations found in the affidavit and as the respondent has no serious objections in allowing these applications, this Court is of the view that in order to give a fair opportunity to the petitioner for proper adjudication of the dispute between the parties, the petitions are allowed subject to the payment of cost of

Rs.5000/- to the Chief Justice Relief Fund on or before 04.01.2017.

N.Sathish Kumar, J.,

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5. Post the matter for compliance on 05.01.2017.

21.12.2016

vrc

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