

A.No.575 of 2017
in
C.S.No.285 of 2010

C.V.KARTHIKEYAN, J.

This Application has been filed to set aside the ex-parte order dated 12.09.2016. Much earlier to that, the present applicant had filed Application No.6395 of 2015 seeking to condone the delay of 839 days in setting aside the ex-parte decree. That application was allowed and the delay was condoned by this Court.

2. Subsequently, the applicant herein filed Application No.4368 of 2016 to set aside the ex-parte decree. That application was allowed by this Court on 02.09.2016. However, subsequently, it was held out that the written statement had not been filed before this Court. Hence, the defendant was again set exparte. However, a perusal of the records reveals that the written statement had been filed on 13.07.2015 itself.

3. The present application is to set aside the ex- parte order dated 12.09.2016. Heard both sides.

4. It is seen that the written statement is available in the Court bundle, which had been filed as earlier as 13.07.2015. In view of the same, this application is allowed.

C.V.KARTHIKEYAN, J.

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5. Post the suit for framing issues on 09.02.2017.

01.02.2017

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